mining the management of the canal those two would have the power to overrule the ruling of the president himself.

Of course, the question of commission government has been very much discussed, and also the so-called federal plan in cities, which has been largely adopted, under which all responsibilities center in the mayor. We have the appointment of the director of public works, the director of safety, and director of law much after the form of the Cabinet of the President. The object of that is to center responsibility and control in one man, so that the people may know with whom they may find fault.

Mr. CUMMINS. The Senator from Ohio is mistaken about the commission form of government, at least so far as it generally prevails in this country. The mayor has not the power to do these things. The commission itself determines as to which of its members shall have charge of this department or that department. At least that is the case in the city of Des Moines, which, I believe, was the first city in the country that adopted the so-called commission form of government.

Mr. BURTON. The Senator from Iowa misunderstood me. I stated that there were two forms of government—one the commission form of government and the other the so-called Federal plan. I described the Federal plan.

Mr. CUMMINS. I did not understand the Senator.

Mr. BURTON. Under the commission form of government there are three. The main difference between the Federal plan and the commission form of government is that the latter does not include a legislative body. There is still a legislative body under the former, while the latter, the commission form of government, vests in the three commissioners the power vested in the legislative body as well as that ordinarily vested in an executive body.

There is a very wide difference between this Canal Zone, however, and the ordinary municipal government. The municipality is an organized public center. There is an electorate alert and awake to watch those who rule them and the press to criticize. Then, in addition to that, there are taxpayers whose rights are involved.

Mr. GALLINGER. This is not true of the District of Columbia, if the Senator will pardon me.

Mr. BURTON. There is at least a press. There is a legislative body—that is, Congress—and there are the three commissioners. The District of Columbia does not have the modern type of commission government. It is of its own class. There is no other like it.

Mr. GALLINGER. I assume Congress is the legislative body of the Canal Zone.

Mr. BURTON. It is rather remote from the scene of action.

Mr. NELSON. Mr. President, I should like to make a suggestion to the Senator from Connecticut. It is now 10 minutes after 6. I would be very glad if he would move to adjourn until 10 o'clock to-morrow.

Mr. BRANDEGEE. I was going to do that, but before that is done the Senator from New Hampshire [Mr. GALLINGER] wishes to offer an order.

HOUR OF MEETING.

Mr. GALLINGER. I offer an order. I ask that it be read.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Order, That the daily meetings of the Senate shall be at 10 o'clock a. m. until otherwise ordered.

Mr. OVERMAN. There are to be night sessions?

Mr. GALLINGER. It is quite probable that this will tend to prevent them. I ask for a vote on the order.

The PRESIDING OFFICER. The question is on the adoption of the order just read.

The order was agreed to.

THE PANAMA CANAL.

Mr. ASHURST. Mr. President, I ask unanimous consent that I may print in the RECORD a very illuminating editorial from the New York American of date of July 16, entitled "The Panama Canal; It is Ours, not England's."

Mr. BURTON. I should like to ask the Senator from Arizona if it is true that the proprietor of the American has repudiated an alleged interview? Is that the interview?

Mr. ASHURST. No; this is an editorial.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona?

Mr. BRANDEGEE. I shall not object, but I will say to the Senator that I have a wastebasket upstairs filled with editorials from all the papers of the country on various sides, and I am not going to ask to have them printed in the RECORD.

Mr. ASHURST. If the distinguished Senator from Connecticut had read this editorial he would not have thrown it in the wastebasket; he would have preserved it.

Mr. BRANDEGEE. I shall not object to the Senator's request.

Mr. WILLIAMS. If the Senator from Arizona was speaking and desired to insert it as a part of his remarks or to read it to the Senate, I should not object; but if we begin the business of just permitting editorials independently of speeches to be inserted in the RECORD, I do not see much end to it. I shall object.

Mr. ASHURST. Mr. President, I will not embarrass the Senator by insisting that it be printed. I will withdraw it.

Mr. WILLIAMS. The Senator can bring it in afterwards—some time in the course of a speech, or something of that sort.

Mr. ASHURST. I withdraw the request. I will not offer anything that might be objectionable under the rules or to the distinguished Senator from Mississippi.

Mr. THORNTON. Mr. President, I wish to give notice that at the close of the routine morning business to-morrow I desire to address the Senate on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

Mr. JONES. Mr. President, I desire to state that at the conclusion of the remarks of the Senator from Louisiana [Mr. THORNTON] I will submit some remarks to-morrow on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

SCHOOL LANDS IN ARIZONA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, which was, on page 2, line 3, after "act," to insert: "*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act."

Mr. SMITH of Arizona. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. Does the Senator remember how many acres are in that reservation?

Mr. SMITH of Arizona. Some six or seven thousand, in my judgment, and the amendment limits it to 2,000.

Mr. SMOOT. Why was it limited to 2,000 acres?

Mr. SMITH of Arizona. Because the gentlemen in the other House simply put it as an abstract matter, without any reason that I could see, and insisted on it. They would not consent to the passage of the bill unless that limit was made. The Secretary of the Interior had recommended a larger quantity.

Mr. SMOOT. The Secretary of the Interior recommended that all be selected?

Mr. SMITH of Arizona. I know; but this was the only way of getting it through.

Mr. SMOOT. The Senator feels that he is justified in accepting that limitation?

Mr. SMITH of Arizona. Yes, sir; it is all I could do.

Mr. SMOOT. I would not agree to it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona that the Senate concur in the amendment.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 6, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 5, 1912.*

The House met at 12 o'clock noon.

Prayer was offered by Rev. William Couden, of Norwalk, Ohio, as follows:

Thus far, dear Lord, Thou hast led us on. And after the sweet day of rest Thou gavest, we face the opportunities and duties of a new week. We thank Thee for all Thou hast done for us and bestowed upon us. We confide in Thee, because Thou art more interested in us than we are in ourselves, and Thy wisdom is infinitely transcendent. Help us, therefore, in all our thoughts and affairs to keep close to Thee, to fulfill Thy perfect will in love to God and love to man. Hear and answer our prayer according to the depth of our needs, and the reach of our hopes, and the love of Jesus our Redeemer. Amen.

The Journal of the proceedings of Saturday was read and approved.

CONTESTED-ELECTION CASE OF JODOIN AGAINST HIGGINS.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the report in the case of Jodoin against Higgins from the Committee on Elections No. 3 be printed in the RECORD.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the report of the Committee on Elections No. 3 in the case of Jodoin against Higgins. Is there objection?

There was no objection.

The report is as follows:

[House Report 1136, Sixty-second Congress, second session.]

RAYMOND J. JODOIN AGAINST EDWIN W. HIGGINS.

Mr. GOLDFOGLE, from the Committee on Elections No. 3, submitted the following report (to accompany H. Res. 661):

The Committee on Elections No. 3, to whom was referred the contested-election case of Raymond J. Jodoin against Edwin W. Higgins, from the third congressional district of Connecticut, having duly considered the same, respectfully report:

After the contestee served his answer to the notice of contest, both parties and their several attorneys entered into a stipulation, dated March 16, 1911, in which, among other things, the following was stated:

"That in many voting districts it is probable that the moderators were mistaken in their decisions as to the validity or invalidity of ballots cast for said office of Representative in Congress from said district, and that without opening the boxes and examining the ballots therein it is impossible to determine the extent of such mistaken decisions.

* * * * * * *

"That it is impossible to tell with accuracy what ballots have been improperly counted or rejected for the contestant or contestee without opening said boxes and examining said ballots.

* * * * * * *

"That said contestant desires that said boxes be opened and said ballots examined and recounted and that the lawful and correct count of said ballots be ascertained thereby, without objection on the part of the contestee.

* * * * * * *

"That said contestant and contestee waive any question of formality or sufficiency of the pleadings as to said matter of contest and agree that all issues are properly raised and presented for the opening of said ballot boxes and for a recount of all the ballots cast at said election for the office of Representative in Congress for said congressional district in said Sixty-second Congress.

* * * * * * *

"That said contestant and contestee stipulate and agree to waive any and all claims which they or either of them might make under any of the pleadings or any part of the proceedings for the determination of said question, so that a full recount of all ballots cast for Member of Congress from said congressional district in said Sixty-second Congress may be had."

At the hearings before the committee counsel for the contestee in substance reiterated the willingness of the contestee that the ballots be recounted.

The evidence taken before the committee disclosed the fact that under the law of the State of Connecticut a recount of ballots could be had only if an application for such recount, founded on facts sufficient to justify the application, was made within three days after the election by an elector in the town in which the recount was desired. Under this law the elector in the town of Plainfield applied within three days after the election. The application was granted and the contestant (Jodoin) on such recount gained three votes in that town, thus reducing by that number the majority with which Higgins had been credited.

The third congressional district of Connecticut is composed of 36 towns. In no town other than that of Plainfield was an application for a recount made.

It was expressly conceded by the contestant and contestee—

"That said ballot as used in said election was novel to the voters of said district; that said ballot had never been used before at any election in said district for the election of a Representative in Congress to the United States, although a similar ballot had been used in most of the towns in said district at the preceding October election held for the election of town officers; and that there was a diversity of opinion amongst competent attorneys and judges as to the proper construction of the law as to said ballots and as to the effect of different marks and the location of the same upon said ballots and as to what ballots should be rejected for various causes."

A stipulation of parties to an election contest for a recount of ballots cast for Representative in Congress is not binding or conclusive either on the House of Representatives or its Committee on Elections. In view, however, of the stipulation to which we have above referred and of the declarations upon the hearings by the counsel for the contestee of his willingness that such recount should be had, and of the circumstances existing with regard to the counting of the vote in the town of Plainfield which reduced the meager majority by which the contestee was declared elected, and of the difficulty that the contestant would experience to secure a recount under the Connecticut law within the very brief period of time limited by the laws of that State, the committee concluded to give heed to the stipulation and render it effective by ordering a recount.

By direction of the House of Representatives, under the resolution passed March 21, 1912, the ballots were brought to the committee from Connecticut, where they had been securely kept. The boxes were opened in the presence of counsel and representatives of both parties and the recount was proceeded with, after the integrity of the ballots had been clearly established.

The fullest opportunity was afforded to the parties and their respective counsel to examine the ballots. A number of days were consumed in the examination, classification, and counting of the ballots, in which work counsel for the parties participated.

On May 17, 1912, at a meeting of the committee, counsel for both parties appeared and the counsel for the contestant, Jodoin, stated that after having made an examination of all the ballots he was convinced that the result would not be changed. The following colloquy took place at the close of the hearings:

"Mr. CARLIN. You represent the contestant?

"Mr. THAYER. Yes, sir.

"Mr. CARLIN. And you now admit that it is useless for the committee to expend any further time in the examination of these ballots, because the result would not be changed?

"Mr. THAYER. The result would not be changed. That being so, it is only a question of what the committee desires with regard to a report—whether it wants a report of the true state of the ballots, or a simple statement that an examination of the ballots, we believe, would leave the matter unchanged.

"Mr. CARLIN. Would the gentleman have any objection (of course, I do not know the feeling of the committee; I am just expressing my own idea) to entering into a stipulation that from an examination of the ballots counted you have both considered that the result could not be changed?

"Mr. THAYER. I would prefer not to, in view of my instructions from my client. I would prefer not to enter into such a stipulation, but in fairness to the committee I have to state that these disputed ballots, when classified as they are, would not change the result.

"The CHAIRMAN. And so you concede it would be useless for this committee to go ahead and look over the ballots?

"Mr. THAYER. Yes. It is only a question of whether, on the agreement as to classes, you want a report of the true result of the count, or simply a report that a recount would not change the result.

"Mr. CARLIN. Of course, the committee will take that up in executive session.

"The CHAIRMAN. I believe I express the sentiments of the committee when I say that we are thankful to you for the frankness with which you have treated the committee; and we appreciate the services of both counsel in this case. They have worked hard and have lessened the labors of the committee very much indeed. We are obliged to both counsel for the services they rendered in the matter.

"Mr. THAYER. I desire to thank the committee on behalf of my client, as well as personally, for the great courtesy we have received at the hands of the committee."

Your committee therefore recommend the adoption of the following resolutions:

"*Resolved*, That Raymond J. Jodoin was not elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is not entitled to a seat therein.

"*Resolved*, That Edwin W. Higgins was elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is entitled to a seat therein."

CONTESTED-ELECTION CASE OF GILL AGAINST CATLIN.

Mr. HAMILL. Mr. Speaker, I am directed by the Committee on Elections No. 2 to present the report of that committee in the contested-election case of Patrick Gill against Theron G. Catlin, from the eleventh congressional district of Missouri. (H. Res. 666, H. Rept. 1142.)

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file a report in the case of Gill against Catlin.

Mr. MANN. Reserving the point of order, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the gentleman entitled to present a report unless he gets unanimous consent, to-day being Monday, unanimous consent, suspension, and committee discharge day?

The SPEAKER. The gentleman from New Jersey is asking unanimous consent.

Mr. MANN. I did not so understand it.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin. The Chair will pass on the point of order which the gentleman from Illinois has raised. The Chair does not think that anything is in order on unanimous consent, suspension, and committee discharge day except such things as will forward the business of the House.

Mr. MANN. In that connection, Mr. Speaker, I wish the gentleman would couple with his request a request that the minority shall have five days in which to file their report.

Mr. HAMILL. That is satisfactory, provided the House does not adjourn before the five days have expired, because we want to consider this case.

The SPEAKER. There is not one chance in ten thousand that the House will adjourn within five days. That is not an official opinion, but a private opinion publicly expressed. [Laughter.]

Mr. HAMILL. Then, Mr. Speaker, I couple with my request the request that the minority may have five days in which to file minority views.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin; and in connection with that he asks that the minority shall have five days in which to file views. Is there objection?

There was no objection.

THE TAYLOR SYSTEM.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Taylor system, or scientific method of shop management.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the Taylor system of shop management. Is there objection?

There was no objection.

WHITE OAK POINT BAND OF MISSISSIPPI INDIANS.

Mr. LINDBERGH. Mr. Speaker, on August 1 last I filed a brief which I had permission to print in the RECORD. That brief has been printed in the RECORD as if it was my speech, whereas it is by another party. I would like to make a short statement in the RECORD to correct that error.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to print a short statement in the RECORD to correct a mistake which attributes to him an article written by some one else. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, on page 10782 of the temporary RECORD of August 1 appears a statement that is not in the exact terms in which I presented it. From the way in which it appears it might be inferred that I adopted the brief set forth as my own, whereas it was not presented as such. The brief is an exhaustive one, carefully drawn by John G. Dudley, Esq., of the city of Washington, in behalf of the committee sent to Washington by the White Oak Point Band of Mississippi Chippewa Indians, of the State of Minnesota. The committee consisted of Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons, members of the band, and I submit the following as the articles of their authority:

To the honorable United States Congress, the honorable Commissioner of Indian Affairs, and the honorable Secretary of the Interior:

At a certain general council of the Mississippi Chippewa Indians, composed of residents of the Chippewa Reservation, the so-called Minnesota National Forest, and the White Oak Point Indian Reservation, in the county of Cass, State of Minnesota, held pursuant to a notice given at a former council and recorded in the notes thereof according to the custom and usages of the tribe at Bena, Minn., on the 20th day of December, 1911, at which time and place the council was called to order. Mr. Odenegum was duly elected chairman, and Mr. William Losh was duly elected secretary, and Mr. Wahboze was called upon to state the object of the meeting, after which the following resolution was passed:

Now, therefore, we, the male members of the Chippewa Indian Tribe, being over 18 years of age and residents of the Chippewa Reservation, the so-called National Forest, and the White Oak Point Indian Reservation, in the county of Cass, in the State of Minnesota, hereby most urgently and respectfully petition the honorable Commissioner of Indian Affairs, the honorable Secretary of the Interior, and the honorable United States Congress to concede to the following demands of the red man and give them in addition to what they already have the following land: To each Indian man, woman, and child 80 acres additional to the allotment which they already may have, and 160 acres to every man, woman, and child who has not as yet received an allotment, it being conditional that said men, women, and children be members of the above-named tribe and reside on or near to the territory aforesaid; giving them the right to hold their mineral rights whether on their individual allotments or on their tribal lands without respect to the location thereof, and giving them the further right to recover their allotment timber money in cases where the timber has been sold, cut, and removed without their consent; also in cases where the stumpage was taken and placed in the general fund; or, in other words, giving the Indians their just dues for the allotment timber.

The reasons for asking your consideration in these matters are plain and obvious, and we think that we are as much entitled to an 80-acre additional allotment, or 160 acres in all to each and every Chippewa Indian and woman and child, as are our brothers at the White Earth Indian Reservation in Minnesota, who have already received that amount at your hands; and we feel that in right and justice we are as much entitled to this additional grant as they are, who are our tribal brothers, the people with whom we are interested in tribal affairs. And we can not understand why we should have less than they if justice and right were taken into consideration.

We also most urgently and respectfully petition the honorable United States Congress to repeal Minnesota national forestry act, for the reason that it is contrary to the treaty under the Nelson Act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians of Minnesota." And in right and justice to the Indians it should not be fractured or amended in any way without first consulting those who were parties to the treaty, namely, the Indians. Further, the national forest lies in the midst of the Indian territory, and its location is a detriment to the tribe and is of no benefit to the public; and also the national forest, because of its inert condition, is retarding the development of the country lying in and about it, and in its dormant state it is a menace to civilization and it will be of great interest to us as well as to the general public to have this reserve thrown open to us and the incoming settlers, whether red or white. And, lastly, we do not feel that we are receiving our just dues by having this land taken from us without receiving pay for it, and the taking of land by the United States Government is without precedent. We do not understand why the United States Government, one of the most powerful and wealthiest nations under the sun, is desirous of acquiring land in this manner, being without comparison in the history of civilization.

The swamp lands which are now in controversy and pending settlement between the United States and the State of Minnesota we most urgently ask to have settled in favor of the United States Government and in the interests of the Indians, who, without doubt, own and are entitled to the lands in question.

We also pray that the United States Government pay over to us at once the proceeds from the sale of the Chippewa Indian timber. The reasons being that the Indians are in a greater want now than they ever have been and are suffering for the want of money, and many who are not able to work are on the verge of starvation, and, furthermore, those able to work would then be in a position to improve their allotments and make them suitable places in which to live, for since liquor has been refused us those hitherto unable to save their money are now making better use of it by providing for their families and improving their lands.

We most urgently, respectfully, and sincerely pray your consideration in the foregoing requests and know that after you have investigated you will have found the conditions to be as stated herein, and feel that you will then act in our behalf.

At the foregoing council it was decided that in order to be able to present this petition intelligently and in the proper manner before the department and Committees on Indian Affairs, that Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons be elected to act as delegates to proceed to the city of Washington and there to act in our behalf and to do everything possible to bring about the desired ends, and they were further empowered by the council herein, if need be, to employ an attorney to more clearly present and prosecute the above claims.

We furthermore ask the Secretary of the Interior and respectfully petition him to authorize and allow these delegates a reasonable compensation for their services, not to exceed $5 per day, while actually employed, and furthermore to pay their board while in Washington and their transportation, out of any money in the hands of the Government belonging to this tribe of Indians not otherwise appropriated.

The council herein do furthermore appoint Mr. Maushkahwahnahquot and Mr. Iahzhowegeshig to go before the United States Indian agent at Onigum, or before any judge of a court of record in the State of Minnesota, and have the foregoing petition certified to as being the minutes of the general council aforesaid, held at Bena, Minn., on the 20th day of September, 1911, in due form according to the tribal usages and customs.

We hereby certify that the above council was held at the time herein stated and that the foregoing are the minutes thereof.

ODE NE (his finger mark) GUM, *Chairman.*
WM. LOSH, *Secretary.*
J. F. BEEKER,
Proprietor Beeker House, Bena, Minn.

STATE OF MINNESOTA, *County of Cass, ss:*

I hereby certify that I believe the council mentioned in the foregoing minutes was duly held in accordance with the customs and usages of the Chippewa Tribe, and I recommend that the delegates therein named be given a hearing in such manner as may be deemed advisable.

J. F. GIEGOLDT, *Superintendent.*

The committee was very faithful in its work, spending several months in Washington in behalf of the band which sent them. They had Mr. Dudley assist them, and he drafted the brief. I would not want to take any part of the credit that belongs to him in the preparation of the brief, nor was it my purpose to adopt his argument. I have presented it because the brief was carefully prepared and the references verified so that it will serve the House in future as a reference brief.

The brief is not intended to support the bill to which it refers so much as it is to call attention to the justice and right of the claim of these Indians to relief. The bill was introduced in order to give them a hearing, and following its introduction a resolution was introduced, being House resolution 564, to secure the appointment of a committee of three from the Committee on Indian Affairs to investigate the property rights of these Indians. I am promised consideration of this resolution early in the session beginning in December next. The purpose is to get at the real facts. That can not be done without sending a committee onto the grounds. There are many bills now pending before the Committee on Indian Affairs that can not receive proper consideration till this investigation is made. This little band of Indians have been grossly wronged, and, so far as it is possible and reasonable, they should be placed in a position of independence. They parted with their property and have received little in return except broken promises. The mere fact that we have the power to keep them from securing their rights is not a justification for doing so. It is fair to give them and all others in that territory a fair hearing, after which proper remedies may be provided.

TOLLS THROUGH THE SUEZ CANAL.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, it has been repeatedly both asserted and denied on the floor of the House that foreign countries paid tolls for their ships passing through the Suez Canal. The Commissioner of Navigation, Mr. E. T. Chamberlain, has furnished me with a copy of a contract entered into by the French Government with the largest steamship company under the French flag, about 10 days ago. The Government agrees not only to pay the company a subsidy, but to pay the tolls for going through the Suez Canal in addition. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of tolls through the Suez Canal, is there objection?

There was no objection.

The following is the matter referred to:

TRANSLATION.

Following is translation of article 3 and marked part of article 96 (balance of 96 covers mode of paying subvention):

"ART. 3. The tolls based on tonnage for transit through the Suez Canal paid by the company on its subsidized ships shall be reimbursed to the company in addition to the subsidy according to the provisions of article 96 of the schedule of charges and obligations: *Provided*, That during the temporary period covered by that schedule the expenses of passing through the Suez Canal of ships on the route to Haiphong shall be paid by the company."

"ART. 96" (first paragraph relates to the subsidy). "The amount of reimbursement of the special navigation toll on tonnage through the Suez Canal is payable monthly at the end of the month at the same time as the subvention according to the estimates of expenses based on the figures for the previous year with the reservation of adjustment of balances at the end of the business year based on tolls actually paid." (Third paragraph relates to general subsidy.)

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. AUSTIN, for one day, on account of sickness.

To Mr. JACOWAY, for two days, on account of sickness.

To Mr. GOODWIN of Arkansas, indefinitely, on account of sickness in his family.

To Mr. ANDERSON of Ohio, indefinitely, on account of serious illness in his family.

PATENTS TO SEMINOLE ALLOTTEES.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to pass without prejudice this bill until Mr. CARTER, of Oklahoma, can be present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice.

Mr. FITZGERALD. I would like to ask the gentleman if the report has been obtained from the department which was spoken of last week?

Mr. STEPHENS of Texas. I do not know. The bill is the bill of the gentleman from Oklahoma, Mr. DAVENPORT.

Mr. FITZGERALD. Does it appraise any land the patents of which are in suit or have not been issued?

Mr. STEPHENS of Texas. It especially exempts them.

Mr. FITZGERALD. The bill does not exempt them. Does it include patents of land which have been held up?

Mr. STEPHENS of Texas. It can not, because it only pertains to lands where the title is clear where they can issue the patents. It is only because they have not been delivered that complaint is made.

Mr. FITZGERALD. I think the gentleman is mistaken as to the effect of this bill.

Mr. STEPHENS of Texas. I ask unanimous consent that it be passed without prejudice.

Mr. MANN. The request of the gentleman was that it be passed without prejudice. The gentleman from Oklahoma, Mr. CARTER, is not prepared to take up the bill, and the gentleman from Oklahoma, Mr. DAVENPORT, is not present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

COUNCIL OF NATIONAL DEFENSE.

The next business on the Private Calendar was the bill (H. R. 1309) to establish a council of national defense.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. HAY. I object.

Mr. HARRISON of Mississippi. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON] introduced this bill and is in charge of it, and is not now in the Chamber. I have been asked to ask that it be passed without prejudice, and I hope the gentleman from Virginia will not object.

Mr. HAY. Mr. Speaker, this bill has been passed before on the ground that the gentleman from Alabama was absent. I would like to ask, if the bill is passed without prejudice, if it can be called up again to-day?

The SPEAKER. The Chair would say that it could.

Mr. HAY. Then I object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] objects to the consideration of the bill.

FORT GRANT MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this bill was read on the last unanimous-consent day. I would like to inquire of the gentleman from Arizona [Mr. HAYDEN] whether, if consent is given for the consideration of the bill, he would be willing to agree to an amendment to add at the end of the bill the words:

Provided further, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

Mr. HAYDEN. Mr. Speaker, I will accept such an amendment.

Mr. ROBINSON. Mr. Speaker, reserving the right to object to the agreement between the gentleman from Illinois and the gentleman from Arizona, I should like to know the object of that limitation. What is the purpose of limiting it to 2,000 acres?

Mr. MANN. Mr. Speaker, as I understand, there are 12,000 acres in this tract, and it is the desire of the gentleman to permit the State of Arizona to select a farm site, a reform-school site, upon this land. It seems to me from what I have heard that 2,000 acres is quite ample for that purpose.

Mr. ROBINSON. Mr. Speaker, will the gentleman from Illinois yield to me to ask a question of the gentleman from Arizona?

Mr. MANN. Certainly.

Mr. ROBINSON. Mr. Speaker, is the gentleman from Arizona prepared to state whether the limitation suggested of 2,000 acres would furnish adequate area for the purposes for which the land is desired?

Mr. HAYDEN. I think it would be enough for the present needs of the State industrial school.

Mr. ROBINSON. And the gentleman is satisfied with the amendment?

Mr. HAYDEN. Yes; I have agreed to such an amendment.

Mr. ROBINSON. I shall make no objection, then.

Mr. MANN. And I understand that the Senator from Arizona has also agreed to the amendment.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. I suppose it is the purpose of the State of Arizona to take not merely the land in the reservation, but the post itself—the buildings and things of that kind.

Mr. HAYDEN. The most valuable part of the reservation is located near the old Army post, where it is possible to irrigate a considerable area of land. The State of Arizona desires to obtain this irrigable land as a farm for the State industrial school. I do not know whether the State will be able to use the old buildings or not. We will probably have to construct new buildings.

Mr. SLAYDEN. The State would certainly be able to make use of the buildings there.

Mr. HAYDEN. Yes; for what they are worth. They are very old, and are built of adobe.

Mr. SLAYDEN. An adobe building is not necessarily very old when it is but 50 years old.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. ROBINSON. The Secretary of the Interior, in reporting upon the matter, stated that there are a number of buildings on the reservation, but that they are mostly of adobe, and not believed to be of great value.

Mr. SLAYDEN. My purpose in asking the question is to emphasize a point I raised the other day. I have not the slightest objection to the concession of this land to the State of Arizona for the purpose for which it is wanted, but the action of the House is in marked contrast to its attitude in respect to the effort by the State of Texas to purchase land for the erection of a tuberculosis sanatorium, where we not only have to take care of the unfortunate consumptives of our own State, but have loaded on to the State every year from other States in the Union a large number of them.

Mr. ROBINSON. Mr. Speaker, I will ask the gentleman whether the bill to which he refers, relating to Texas, has been reported by any committee.

Mr. SLAYDEN. It has.

Mr. ROBINSON. By what committee?

Mr. SLAYDEN. By the Committee on Military Affairs, but it is now in another bill in the Senate. I do not object to this bill.

Mr. ROBINSON. Mr. Speaker, I have no objection to the agreement suggested by the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, the bill was reported last week, and I think we can dispense with the reading of it now.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. FITZGERALD. Oh, let the bill be reported.

The SPEAKER. The gentleman from New York objects and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the grant of 100,000 acres made to it for State charitable, penal, and reformatory institutions by section 25 of the act of Congress approved June 20, 1910 (36 Stat. L., p. 557): *Provided*, That such selection shall be made within three years from the date of approval of this act.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 2, at the end of line 4, by adding the proviso:

"*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21952. An act for the relief of James S. Baer.

The message also announced that the Senate had passed the following order in the impeachment trial of Robert W. Archbald:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18642. An act to amend an act entitled "An act to provile revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.; and

H. R. 24550. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, has the gentleman from Montana an amendment which he expects to offer to the bill?

Mr. PRAY. Mr. Speaker, I have no amendment, but from what happened during the consideration of the bill when it appeared on the calendar before I should judge that probably Uncle Sam, speaking through the gentleman from Illinois [Mr. MANN], is not willing to make an outright gift of this property to the county of Hill. Fort Assinniboine was abandoned last November for military purposes, and the buildings and land, embracing an area of 343 square miles, were turned over to the Interior Department by the Secretary of War. Last February the county of Hill was created. A part of the reservation lies within the boundaries of this new county. The buildings at the post are 6 or 7 miles from the city of Havre, which is now the county seat of Hill County. The city had very poor facilities for taking care of persons held under the city government or awaiting preliminary hearings. Havre has made wonderful progress in other respects during the past few years. They have always needed a good jail building there, and now that the city has become the county seat of the new county of Hill, it is imperative that a new building and fixtures be provided at once. The county commissioners and city authorities have decided that they can afford to take down the brick jail at the post and remove it to Havre. It will no doubt be an expensive undertaking, but they are willing to do it if Congress will grant authority. The jail can be of no further use to the Government, and will deteriorate and fall to ruin if it remains where it is. We have a number of precedents for this legislation, and I regret that there should have been objection raised by anybody.

I had a conversation with the gentleman from Illinois [Mr. MANN] a short time ago in reference to an amendment providing a consideration for the building on account of previous objection to the bill.

Mr. ROBINSON. What was the amendment suggested?

Mr. PRAY. A nominal consideration. It is impossible for me to say how much the county commissioners of this newly created county would be willing to give. I should certainly not feel authorized to suggest anything more than a nominal sum. Of course, the gentleman understands that I do not believe the county ought to be obliged to pay anything. If I should consent to a payment in any sum, it would be done simply to avoid an objection to the present consideration of the measure. The bill has already been stricken from the calendar once, and if the same thing should happen again there would probably be no further opportunity to consider it this session of Congress. If the bill should have to go over to the next session, it would then be too late to be of any benefit to Hill County. If this attempt should fail, the commissioners will then have to make other provisions for a jail.

Now, I will say this to the gentleman, at the time the bill was under consideration before the gentleman from Illinois [Mr. MADDEN], speaking from his personal experience in business, made the statement that the county commissioners could not afford to tear down this building and move the bricks and fixtures 7 miles, that it would not pay them to do it.

Mr. ROBINSON. If the gentleman will permit me, this same matter was discussed by the Committee on the Public Lands and given consideration there, and I believe I myself raised that question.

Mr. PRAY. The gentleman did.

Mr. ROBINSON. And after full consideration of it the committee reached the conclusion that the best manner of disposing of the matter was under the terms of the bill, that if you should require the appraisement of the building, and fix the value and method of sale, and so forth, that it might prevent the sale of the jail building, which is not found of any considerable value to the Government under existing conditions, whether the appraisement was directed by the Secretary of War, or the Secretary of the Interior, or somebody else. From the fact that the property is abandoned by the Government and it is not used and can not serve any useful purpose as far as the Government is concerned, and from the fact that it would be expensive to remove the building, the committee reached the conclusion it was not wise to put that in the bill. For my part, if the gentleman from Montana wishes to agree to some amendment, I shall raise no objection to his offering the amendment.

Mr. MANN. I do not desire, so far as I am concerned, to have its appraised value for the purpose of removing it, but I have no desire to transfer the title of the property without any consideration and, as a matter of fact, as a precedent. I am perfectly willing, as far as I am personally concerned, to accept a nominal consideration.

Mr. ROBINSON. The citizens of Hill County need a jail. That is evidently true or the gentleman from Montana would not have introduced this bill. It seems to me the precedent would be rather a good one than a bad one.

A MEMBER. Make the consideration love and affection.

Mr. MANN. That is what they want to do; make it love and affection. I do not care what the amount is, but I am not in favor of a precedent being established of giving property without any consideration at all. I thought the gentleman would have had an amendment prepared.

Mr. PRAY. I do not think it requires any time to prepare an amendment. In view of the gentleman's statement, I would suggest that an amendment carry the consideration of $10, and I will offer such an amendment at the proper time. I think that would meet the gentleman's objection.

Mr. ROBINSON. Mr. Speaker, I would not consent to putting such an amendment in this bill, because the committee reporting it did not place such an amendment in the bill, and the placing of even a nominal sum it seems to me as a precedent would be worse than that denounced by the gentleman from Illinois.

Mr. CANNON. As long as the fate of the bill hangs without any consideration—love and affection on the one hand and $10 on the other—if the gentleman will withdraw his objection I will donate to the United States the $10. [Laughter.]

The SPEAKER. Is there objection?

Mr. MANN. I object under the statement made by the gentleman from Arkansas.

Mr. PRAY. I hope the gentleman will withhold his objection for a moment.

Mr. MANN. I am willing to do that.

Mr. PRAY. It seems to me there is not any principle involved here as serious as all that. In fact, there is no principle involved here at all. Gentlemen talk about establishing precedents. Precedents have already been established for the passage of this bill as it is. These people have been anxiously awaiting results for the last three or four months, and they want to know whether they are going to get the jail. They need it badly, and Congress can give it to them without breaking precedents. If they are obliged to pay any considerable amount for the jail, they can not afford to take it.

Mr. ROBINSON. Mr. Speaker, I do not like to accept the amendment suggested by the gentleman from Montana, and I ask unanimous consent that the bill be temporarily passed. If we can ascertain the value of these improvements, I will offer an amendment requiring the county to pay the full value of the improvements; but the Interior Department reported that the buildings were not of much value, and for the reasons I have stated we did not require the county to pay for them to make a jail in which to confine citizens of Hill County when they are violators of the law, which will conserve a very useful purpose. Certainly it is better than remaining on the abandoned reservation without any use whatever. To require that for the sake of precedent that a mere nominal consideration should be put on this bill does not meet my idea of public duty from any standpoint.

Mr. MANN. How long has Hot Springs been in the gentleman's district?

Mr. ROBINSON. Hot Springs has been in my district since my service in the House began, and I hope it will continue there until my service in this great body expires. Now, I ask unanimous consent——

Mr. FITZGERALD. I desire to ask the gentleman a question. In the report of the department calling attention to the bill it states that there is another bill pending elsewhere proposing to grant to the State these buildings for agriculture, manual training, and other educational purposes.

Mr. ROBINSON. No; the other bill is to grant the land. Of course, that would carry the buildings.

Mr. FITZGERALD. And the buildings thereon; and the statement is made there that these buildings are of no value.

Mr. ROBINSON. That is true.

Mr. FITZGERALD. But it seems they would be valuable for that purpose. I desire to inquire of the gentleman whether his committee went into the question of the value of utilizing the buildings for that purpose rather than for the purpose of a jail?

Mr. ROBINSON. There was a Senate bill pending providing for a grant of that land and the committee reached the conclusion that the buildings would be more useful if applied for jail purposes than for an agricultural and educational institution. We could not conceive how the jail could be of any value to an educational institution, and we found that Hill County did need a jail very badly.

Mr. FITZGERALD. If the gentleman will permit me, is this building a jail? Is it not a building that was used by troops?

Mr. ROBINSON. The building to be granted by this bill consists of a jail only and fixtures.

Mr. PRAY. The other bill in all probability will not go through at this session of Congress. The passage of this bill could not interfere in any manner whatsoever with the other bill.

Mr. ROBINSON. No. The other bill will probably not be passed at this session. Mr. Speaker, I ask that the consideration of this bill be temporarily passed to-day.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks that the consideration of this bill be passed temporarily, without prejudice. Is there objection?

There was no objection.

LICENSING OF PLEASURE YACHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22650) to replace sections 4214 and 4218 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections 4133 to 4135, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce and Labor may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title.

SEC. 2. That every yacht, except those of 15 gross tons or under, visiting a foreign country under the provisions of sections 4214, 4215, and 4217 of the Revised Statutes shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. FOSTER. I would like to have the gentleman in charge of this bill explain it, and especially the letter from the Acting Secretary of the Treasury, in which he says that—

This department doubts the advisability of making this unqualified exemption, as it would tend to facilitate smuggling in small boats along the northern frontier and endanger the revenue.

Now, it seems to me that this is of some importance, coming, as it does, from the Acting Secretary of the Treasury.

Mr. ALEXANDER. Yes; but if the gentleman had read further on and would then examine the bill he would find that the amendment suggested by the Secretary of the Treasury had been incorporated in the bill, so as to protect the Treasury.

Mr. FOSTER. I had not gotten through. Does the gentleman think that this protects all that feature of it, that might permit any smuggling to take place in these small boats?

Mr. ALEXANDER. I think so, and that is the judgment of the Secretary of the Treasury.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the title of this bill is "To replace sections 4214 and 4218 of the Revised Statutes."

Mr. FOSTER. I withdraw my objection, Mr. Speaker.

Mr. MANN. I assume that the purpose is to amend those provisions of the Revised Statutes?

Mr. ALEXANDER. Yes; and I think the amendments I shall offer will put the bill in the proper form.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Missouri permit a question?

The SPEAKER. Does the gentleman from Missouri yield?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. What particular class of American citizens would be benefited by this bill—just the yacht owners?

Mr. ALEXANDER. No; not only the yacht owners, but a large class of people who live on the Northern Lakes and on the Detroit River, who own pleasure vessels of various descriptions and who have summer homes on the Canadian side. This bill will permit them to go over the Lakes or Detroit River from ports of the United States to the Canadian ports and return without entering or clearing at the customhouse.

Mr. SLAYDEN. Does the gentleman mean excursion boats?

Mr. ALEXANDER. No; I refer to yachts and pleasure boats on the Lakes. Many own launches and yachts and have summer homes in Canada, and go over on Saturdays and Sundays and holidays to the Canadian side to their summer homes. Without this legislation they are put to great inconvenience in entering or clearing at the customhouse.

Mr. MANN. Will the gentleman yield to me in that connection?

Mr. ALEXANDER. Yes.

Mr. MANN. Does not the first section of this bill merely extend a privilege of the same character to boats on the Great Lakes as now exists with reference to boats along the seaboard?

Mr. ALEXANDER. Yes; the same privilege as now exists on the seaboard, referred to in section 4214; and the first section of this bill amends section 4214.

Mr. SLAYDEN. Of the Revised Statutes?

Mr. ALEXANDER. Yes; but only in this regard: It strikes out the words "by sea." Section 4214, Revised Statutes, is construed by the Department of Commerce and Labor as applying to the ocean and not to the Great Lakes.

Mr. SLAYDEN. It extends privileges, then, to these owners of pleasure boats on the Lakes such as are enjoyed now on the ocean?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. And only that?

Mr. ALEXANDER. Yes. The Secretary of the Treasury, to guard against danger of smuggling, suggested an amendment, which is added by the committee as an amendment to the second section of the bill.

Mr. FOSTER. Is there any precaution taken to prevent these boats from smuggling in going back and forth?

Mr. ALEXANDER. Yes. The matter has been gone over very carefully. The same penalties against smuggling apply to these vessels as to other vessels. We not only submitted the bill to the Secretary of Commerce and Labor but also to the Secretary of the Treasury, and have the approval of both of them.

Mr. FOSTER. In making frequent trips across the Lakes or the river it would be different from going across the ocean.

Mr. ALEXANDER. This applies only to pleasure boats of less than 15 tons; small boats.

Mr. SLAYDEN. They would not cross the ocean.

Mr. FOSTER. I know; but it is usually a more difficult matter to carry on smuggling in case of a vessel only crossing the ocean than one making frequent trips across some narrow portion of a lake.

Mr. SLAYDEN. Well, even if it does encourage a little smuggling, that would be in the direction of free trade.

Mr. FOSTER. Well, we ought to get it by law and not by stealth.

Mr. SABATH. Stealth. [Laughter.]

Mr. FOSTER. Yes; by stealth. However, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will first report the committee amendment.

The Clerk read the committee amendment, as follows:

Provided, That nothing in this act shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels.

SEC. 3. That all acts and parts of acts not consistent herewith are hereby repealed.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment of the gentleman from Missouri [Mr. ALEXANDER].

The Clerk read the amendment, as follows:

Amend, by striking out on page 1, line 3, the words "That the" and inserting in lieu thereof the following: "That sections 4214 and 4218 of the Revised Statutes be, and the same are hereby, amended to read as follows: 'Section 4214. The' and by adding quotation marks after the word 'title,' on page 2, line 12, and by striking out on page 2, line 13, the words 'Section 2. That' and inserting in lieu thereof the following: 'Section 4218' and by adding quotation marks at the end of the section."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. ALEXANDER. There is an amendment to the title.

The amendment was read, as follows:

Amend the title, so that it will read as follows:
"A bill to amend sections 4214 and 4218 of the Revised Statutes."

The amendment was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION OF INSANE PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19544) to amend section 9 of the immigration act approved February 20, 1907.

The bill was read, as follows:

Be it enacted, etc., That section 9 of the immigration act approved February 20, 1907, be amended as follows:

After the word "epileptics" insert the words "insane persons," so that section 9 shall read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor."

With the following committee amendments:

Page 1, line 4, after the word "amended," insert the words "so as to read."

Page 1, strike out lines 6 and 7, the words proposed to be stricken out being as follows:

After the word "epileptics," insert the words "insane persons," so that section 9 shall read as follows:

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object to the present consideration of this bill, I desire to say that I am doing so, not for any reason that I have any objection to the bill itself, but simply for the purpose of saying a few words about the report accompanying the bill.

As you will notice, the bill provides—

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section—

and notwithstanding the fact that I am against any additional unreasonable restrictive immigration legislation, I wish to go on record in favor of this bill and am desirous of informing the membership of this House that I am not opposed to any bill which honestly aims to protect our country from the criminal, the insane, or those suffering from loathsome, dangerous, or contagious diseases, or legislation which aims to protect our country from gross negligence on the part of the steamship companies.

And right here I desire to state that the people I have the honor of representing and those for whom I at times speak are not opposed to any legislation which tends in the right direction nor to legislation which actually may protect us from really objectionable immigration and which might be detrimental to the welfare of our country. And I feel confident that they, as well as myself, are as desirous as any professional and capital-making individual of keeping out the idiot, the imbecile, the epileptic, insane persons, persons suffering from tuberculosis or with loathsome, dangerous, or contagious diseases, or others that are actually undesirable.

What I take exception to is the unfair and unwarranted report accompanying this bill, which, on page 2, embodies a part of a report of the New York State Board of Alienists for the year 1911, and reads as follows:

It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves.

Now, Mr. Speaker, this portion of this report is unjustifiable by any facts or any evidence that can be substantiated. Again, on the same page, the report contains another extract from page 22 of the same New York Board of Alienists, which reads as follows:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year), it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

Mr. Speaker, I am satisfied that the figures as well as the statements contained in these two extracts are incorrect, and furthermore, are direct insults not only to the people coming from Austria-Hungary, Italy, and Russia, but as well to those from Germany, Ireland, and Scandinavia.

These people never have been and are not now a burden upon the State of New York, as they pay more than their proportionate share toward maintaining the public institutions. And again, Mr. Speaker, I am obliged to take exception to the extract in this report, purporting to be an article from the New York Times, which purports to be furnished by the secretary, McGarr, of the same lunacy commission, and which reads as follows:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

In this article, as well as in the two above-mentioned extracts, the percentages and the statistical data are so juggled as to place the foreign people in a disadvantageous position. I admit that the deplorable conditions under which these people are often obliged to work and live drive some of them insane, but, on the whole, if you take into consideration the percentage of the foreign population of New York and the percentage of those in the insane asylums you will find that it is not greater—yes, not as large—than that of the native born who at no time are obliged to undergo the hardships, the trials, and the tribulations that the foreign-born citizen must.

Mr. Speaker, I have heard the gentlemen representing this New York Board of Alienists before our committee complain of the great sum of money which it costs the State of New York to provide for these people, and I have seen and heard them give figures—what it costs the State of New York annually, nearly $8,000,000, to provide for its feeble-minded and its insane. On one of the occasions I have remarked to them, and I will state it again, that if the public officials of New York State having charge of these institutions would be more careful and practice some economy in expending the public money that one-third of that amount would amply suffice to provide properly for the maintenance and care of all its unfortunates of these institutions.

Mr. Speaker, I do not desire to be unjust or unfair, but I can not help believing that the main reason for these reports published by this board is that these gentlemen, these members of the New York State Board of Alienists, are endeavoring to develop a sentiment in our country which will force this House to enact legislation creating a new board of medical examiners which will be composed only of the specialists and alienists from their school. And that this is their desire I can substantiate by their own evidence before our committee only a few months ago.

We in the city of Chicago have as large a foreign population in proportion to the population as the city of New York, and I have yet to hear a single complaint from any source whatever about the cost of the large number that may be confined in our city, county, or State institutions, and I feel confident, notwithstanding the fact that I have not the statistics at hand, that the percentage of foreign born and those of foreign parentage is not greater than that of the natives. Mr. Speaker, the consideration of this bill has given certain gentlemen again an opportunity to inquire why the Dillingham bill, which passed the Senate some time ago, can not receive consideration.

Mr. Speaker, I feel obliged to inform these gentlemen that notwithstanding the fact they are advocates of restrictive legislation and desirous to pass most any restrictive bill, having confidence in their judgment, I feel satisfied that they never would or could vote for the Dillingham bill. Personally I consider it a makeshift—a bill for which no fair-minded man who desires intelligent, fair, and just legislation would vote. It is a hodgepodge. It is a bill composed of six or eight other bills, and sent over to this House in such shape that really no one can tell what some of its provisions mean and aim to accomplish.

If anyone will read it carefully he will find that it repeals the Chinese-exclusion act. Now I shall pause for an answer, and inquire, Are there any Members who desire to go on record in favor of repealing the Chinese-exclusion act? Or are there any Members who would be willing to vote for the now known and celebrated Root amendment? Surely not.

If the time permitted I could point out many other objectionable features in the bill which this Democratic House would never vote for. What we stand for is fair and just legislation—legislation which is actually demanded by and would be beneficial to the people and to our country.

Mr. ROBINSON. Mr. Speaker, reserving the right to object, I will say that I can not understand how anybody can object to the consideration and passage of this bill. Every possible source of information indicates the necessity of the passage of this legislation. I myself regret that the bill is not more general in its terms, but it is a step in the right direction. It is an improvement on existing law, and therefore I hope that the bill will pass. Of course, we are not enacting into law the report of the committee accompanying the bill, but statistics in my possession and information which I deem reliable disclose an alarming situation with reference to the alien insane, idiots, and imbeciles in some of our State institutions. For instance, in the State of New York the cost of maintaining foreign insane in the institutions of that State exceeds $4,000,000 per annum. That is only in one State. I sincerely hope the bill will pass.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to be informed whether my understanding is correct, that all this bill does is to insert in the existing law the words "insane persons"? Is that correct?

Mr. BURNETT. If the gentleman will permit me, I will state the change which the bill makes.

Mr. MANN. Is that the only change it makes?

Mr. BURNETT. It increases the penalty from $100 to $200.

Mr. MANN. Those are the only changes?

Mr. BURNETT. Those are the only changes.

Mr. MANN. If consent is given for the consideration of this bill, is it intended to have other amendments offered?

Mr. BURNETT. None by me. I have not thought of any such thing. I want this bill to pass on its merits, and I hope it will pass in just that way.

Mr. MANN. Does the gentleman know whether anybody else intends to offer any amendments?

Mr. BURNETT. I do not know of any others. This is an important and urgent bill.

Mr. ROBINSON. While I should like to offer some amendments to the bill, I shall not do it in the event that unanimous consent is given for its consideration, because I understand from the gentleman from Illinois that there will probably be objection if other amendments are offered.

Mr. MANN. I should like to suggest that this is a matter that might be passed on under an armed neutrality agreement, without involving the main question in reference to immigration. I think no one objects to these proposed changes, and the injection of anything else would probably prevent the passage of the bill.

Mr. BURNETT. I have no doubt it would, and for that reason I hope no gentleman will jeopardize its passage by offering any amendments.

Mr. FITZGERALD. Mr. Speaker, one statement of the gentleman from Illinois [Mr. SABATH] should not be permitted to pass unchallenged. Some statements in this report, consisting of quotations from newspaper clippings, are accurate. It costs the State of New York more than $2,000,000 a year to take care of the alien insane.

Mr. ROBINSON. It costs more than $4,000,000 a year to provide for the alien insane.

Mr. FITZGERALD. I am speaking of the insane who escape the scrutiny of immigration officials that come into the State. It costs altogether about $9,000,000 a year to take care of the insane in New York, $2,000,000 of which is due to the coming in of insane aliens because of inspection that is not adequate. In the sundry civil bill this year provision has been made for some additional inspectors, who are to be especially qualified to detect mental defectives, and it would be of great value to the entire country if legislation could be enacted that will prevent the European countries from relieving themselves of the burden of taking care of the mental defectives and placing it on the various States of the Union. I believe that the bill is a very wise one and should be enacted.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on the bill and amendment to final passage.

The SPEAKER. But the House has not yet given permission to consider it.

Mr. MANN. I ask unanimous consent for its present consideration and that the previous question may be considered as ordered on the bill and amendment to final passage.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the committee amendment shall be considered as agreed to and the bill be passed and a motion to reconsider laid on the table. [Laughter.] That would dispose of it in one motion.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of the bill; that the committee amendment be considered as agreed to and the bill be considered as passed, and a motion to reconsider lay on the table. Is there objection?

Mr. GARDNER of Massachusetts. Reserving the right to object, Mr. Speaker, I wish to point out that that will prevent an amendment being offered to the bill putting in the educational test for immigrants.

Mr. FITZGERALD. That is exactly what is intended.

Mr. ROBINSON. Reserving the right to object, Mr. Speaker, I desire to say to the gentleman from Massachusetts that a moment ago I made the statement that I myself would like to offer some amendments to the bill, but I was assured by gentlemen on that side of the Chamber that if amendments were to be offered objection would be made to its consideration.

Mr. GARDNER of Massachusetts. I know that the gentleman from Arkansas feels the same way I do about the educational test, and if the gentleman from Alabama wishes to put the bill through in that way I shall not object.

Mr. FITZGERALD. I wish to say to the gentleman from Massachusetts in regard to these amendments being offered to the bill, that if the amendments were offered they would not be germane and could not be considered.

Mr. GARDNER of Massachusetts. I think they are germane.

Mr. FITZGERALD. I think they are not.

Mr. GARDNER of Massachusetts. I know what I am talking about. I was on the committee that reported it, and examined it thoroughly.

Mr. BURNETT. Mr. Speaker, no gentleman in this House has worked harder, in season and out of season, to get a report and action of the House on the illiteracy-test bill than I have. I have tried by all means to have it reached on the call of committees on Wednesdays, but the Immigration Committee has not been reached on that call. I have besieged the doors of the Committee on Rules and have been unable to secure a rule for its consideration. I have a letter from the chairman of the Committee on Rules, which I desire to insert in the RECORD.

In that letter he says that the Rules Committee could not give us a rule at this session. I asked for a rule on the Dillingham bill, as substituted by the Burnett bill by the House Committee on Immigration. The letter states that the committee could not give consideration to that rule at this session or report it out at this session, on account of many other matters before the committee. That is the substance of the letter, and that at the beginning of the next session, in early December, a rule would be reported by which the bill could be taken up and action be had on it. That being true, and the fact that one objection would defeat the bill now under consideration, introduced by the gentleman from New York [Mr. KINDRED], and on account of the acute conditions that prevail as to the incoming insane aliens, I hope that no effort at this time will be made to load this bill with amendments that might jeopardize its passage.

Mr. GARDNER of Massachusetts. I want to ask the gentleman from Alabama a question. I have been shown a letter from the gentleman from Texas [Mr. HENRY] and a letter from the gentleman from Alabama [Mr. UNDERWOOD], and I think one was addressed to the gentleman from Alabama [Mr. BURNETT] and the other to the gentleman from South Carolina [Mr. FINLEY]. I can not say which letter makes the explicit statement, but one or the other of those letters says definitely that we shall have a rule to consider this Burnett-Dillingham bill in December. Is that so?

Mr. BURNETT. That is true as to the letter from Mr. HENRY to myself.

Mr. GARDNER of Massachusetts. One thing more. I have been shown replicas of letters sent by the gentleman from Alabama himself, stating to various Members on the Democratic side that they have done their best to help him to secure the rule, and that it is impossible to get it.

Mr. BURNETT. That is true.

Mr. GARDNER of Massachusetts. Is it not true, also, that the gentleman from Kentucky [Mr. STANLEY] asked for the entire day of next Thursday for the discussion of the majority and minority reports on the steel investigation, when in fact there is no bill before the House in relation to the matter?

Mr. FOSTER. I hope the gentleman will put in the fact that the request was objected to.

Mr. GARDNER of Massachusetts. Not on that side of the House, but on this side by Mr. AUSTIN, of Tennessee.

Mr. SLAYDEN. Will the gentleman from Alabama yield to me for a brief statement?

Mr. BURNETT. I will yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I am in sympathy with the proposition to restrict immigration in such a way as to keep undesirables out of the country, but I think it would be particularly unfortunate to complicate with the general question of immigration the bill under consideration. It is urgently important that this legislation should be enacted. I have here the hearings before the committee on the sundry civil appropriation bill, in which the statement is made that there are at the present time 8,000 alien insane, one-quarter of the whole, supported at the public expense in the New York State Hospital, at a cost to the State of $2,000,000 annually. It says that the great number of alien insane is being rapidly increased, and they want the law amended in such a way as to protect the public. I am personally in favor of amending the immigration laws so as to keep out all undesirables. But I hope that no gentleman occupying that position will object to the consideration of this bill or insist that it be complicated with amendments, because in my judgment it is legislation that is urgently needed.

Mr. BURNETT. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] has well said that the bill which we now have under consideration is of the greatest importance. The purpose of the bill is to check the influx of insane aliens to this country.

Under the law as it now exists insane aliens are debarred from this country, but there is no penalty on the steamship companies for bringing them in. Under section 9 of the present immigration law steamship companies are subject to a fine of $100 for bringing in aliens who are idiots, imbeciles, epileptics, or who are afflicted with tuberculosis, and so forth. This bill proposes to make this penalty $200 and to make it apply to persons afflicted with insanity. There is a growing necessity for this law. The insane asylums of New York and some other Northern States are being filled with insane aliens coming from eastern and southern Europe, and if immigration from these countries is not checked the asylums of the Southern and Western States will soon begin to be crowded with this same class of people.

The steamship companies do not care how many of these people they dump on our shores so long as they can get the passage money, and they will continue to pour them in unless they are made to feel the heavy hand of the law forbidding it. I will here quote from the report of my Committee on Immigration on this bill:

An acute condition has arisen in certain sections of the country, conspicuously in New York State, where great numbers of insane aliens become the inmates of the State hospitals and are cared for at the State's expense. This imposes a tremendous burden upon the State from a financial standpoint as well as throwing it into jeopardy from excessive numbers of insane aliens.

The Commissioner of Immigration in his report for the fiscal year ended June 30, 1911, has this to say in regard to the question:

> One of the most useful provisions of the present statute is section 9, by which a fine of $100 is assessed against any steamship line that brings to a United States port an alien afflicted with a loathsome or dangerous contagious disease, or with tuberculosis, or with idiocy, imbecility, or epilepsy. During the past year such fines were assessed in 246 cases, the aggregate amount being $24,600, of which $23,700 was on account of the first, $100 on account of the second, and $800 on account of the third class, respectively. It is believed this statute would be much more effective, however, if the amount of the fine were made considerably larger—sufficiently large to compel the transportation companies as a measure of self-protection to use greater care in the medical inspection of embarking passengers. The fine should also be made to cover cases of insanity, a class omitted from the present statute probably by inadvertence.

On page 9, report of New York State Board of Alienists for the year ended September 30, 1911, is the following:

> It must be remembered that foreign countries look with favor upon the migration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials

or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number

On page 22 of the same report is the following:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

The New York Times of March 28, 1912, says:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

The extracts from the report of the New York State Board of Alienists show an alarming condition. These reputable officials state that many foreign countries encourage the emigration of their insane and diseased people to this country in order to rid themselves of their care and expense. Then, is it not high time that we begin to protect ourselves against such outrages by most drastic laws? It is believed that placing a heavier penalty on the steamship companies for bringing them in will make them more careful about receiving them and in that way greatly check the outrages being perpetrated on our own people.

The following extracts from the New York State Hospitals Bulletin of April, 1912, show an appalling condition. On pages 5 and 6 it is said:

In February, 1912, there were 31,432 patients in the 14 State hospitals, 41.9 per cent of whom were of foreign birth. Careful studies have shown that the frequency of insanity in our foreign population is 2.19 times greater than those of native birth.

On page 13 the following is stated:

The relatively large contribution of Italy to the population of the hospitals for the criminal insane is worthy of comment. Although the Italians constitute but 5 per cent of the foreign-born insane population of the civil hospitals, they number 23.1 per cent of the foreign-born of the hospitals for the criminal insane. This nationality also contributes largely to the prison population of the State. The report of the State superintendent of prisons for the year ending September 30, 1910, shows that the Italians constitute 36.6 per cent of the foreign-born prison population of the State.

Relatively, the Germans and Irish contribute a much smaller percentage of insane with criminal tendencies.

On page 21 is the following:

First admissions of various nationalities committed before having been in the United States 5 years.

	Patients residing in New York City.		Total in New York State.	
	Number.	Per cent.	Number.	Per cent.
Austria	53	13.5	73	14.3
Canada	5	1.3	13	2.5
England and Wales	8	2.0	14	2.7
France	7	1.8	7	1.4
Germany	34	8.7	41	8.1
Hungary and Bohemia	28	7.1	32	6.3
Ireland	31	7.9	36	7.1
Italy	49	12.5	69	13.6
Russia and Poland	113	28.8	142	27.9
Scandinavia	16	4.1	20	3.9
Scotland	3	.8	6	1.2
All other foreign countries	46	11.7	56	11.0
Total	393	100.0	509	100.0

This table shows conclusively that the larger part of the immigrants who are admitted to hospitals for the insane within five years after landing come from Austria-Hungary, Italy, Russia, and Poland.

On page 36 it is said:

13. The larger part of the immigrants who are admitted to a State hospital within five years after landing come from Austria-Hungary, Italy, and Russia.

14. The foreign born first admissions show a higher rate of illiteracy than the native born.

15. The largest percentages of foreign-born illiterates are found among the Austrians, Russians, and Italians.

On page 46 it is said:

At $262 per patient the total annual cost to the State of the hospital care of the foreign-born patients now in the civil hospitals is $3,448,706. So long as the yearly addition of immigrants to the hospitals continues to increase this annual burden will continue to grow.

At the rate of $2,882 per patient the admission of 2,737 new foreign-born patients to the State hospitals in 1911 will involve a total expense to the State before these patients are finally discharged of $7,888,034.

The New York Herald of April 13, 1912, speaking of conditions in that State, said:

Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born and likely entered here under the lax system of the immigration authorities.

For the most part the immigrants come from the unhealthy parts of southern Europe and carry contagious diseases. Many are weak minded, a condition difficult to detect, especially in children, and they are sent here by their relatives abroad, because they can receive better care in American institutions. A majority of the immigrants get no further than this city, and prominent medical authorities here have often declared that the foreigners are responsible for much of the disease in the tenement quarters.

JULY 24, 1912.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR MR. BURNETT: Permit me to acknowledge receipt of your letter of July 16, and to say that the same has had most careful consideration. Your request that the Committee on Rules take favorable action so as to bring before the House the Dillingham bill has been thoroughly considered.

On behalf of the Committee on Rules I will say, as chairman, that early in December of the next session of this Congress the bill will be brought, by rule, before the House of Representatives in order that it may be duly considered. Just at this time the condition of business before the Committee on Rules and in the House of Representatives is such as to render it impracticable to report a rule and give the bill consideration during the present session. Thanking you for your letter, I am,

Very truly, yours,

R. L. HENRY,
Chairman Committee on Rules,
House of Representatives.

Mr. CANNON. Mr. Speaker, just a word, if the gentleman from Alabama [Mr. BURNETT] will permit. This bill further guards, as I understand the gentleman from Alabama, the immigration of insane people from foreign countries to this country. Therefore, I made the request which I did, that it might be considered as passed. I want to say further, that while I have certain fixed notions about immigration to this country I have no stone to throw in the way of the consideration of an immigration bill, but being in the minority I am powerless, although I am told that for months past a Senate bill has rested upon the calendar. It seems, however, our friends, the majority side of the House, are side-stepping it until after the next election. Whom do they want to fool?

Mr. BURNETT. Mr. Speaker, in reply to that I desire to say that while the gentleman was the Speaker of the House, during the last Congress, the Committee on Rules of that Congress had a similar resolution pending before it for months, and I do not know whether it was inspired by the former Speaker or not, but for some reason we were unable ever to get a resolution reported from that committee to make it in order when we were clamoring for it all of the time.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, then as now, it was in the power of a majority of this House on any day, except Mondays and Wednesdays, to reach the calendar and consider and pass this bill. If you do not get a special rule, you have rules a plenty, if the majority of the House want to consider it on any day except Mondays and Wednesdays.

Mr. BURNETT. Mr. Speaker, it seems that the former Speaker's clamor never did come in during the days in 1907, when we were trying to get a bill passed containing an illiteracy test for immigrants, when the gentleman was Speaker, and when he secured the absence of many of his side of the House, as we all saw him do, in order to break a quorum and defeat the passage of that bill.

Mr. CANNON. Mr. Speaker, the gentleman from Alabama is mistaken, honestly I think, and I want him to take that back.

Mr. BURNETT. Very well. There were a hundred or two of them that were present.

Mr. CANNON. Mr. Speaker, the gentleman is again mistaken in that statement and I ask him to take it back.

Mr. BURNETT. If I am mistaken in the statement, of course I do not insist upon it, but that was the understanding

and the statement of gentlemen upon the gentleman's side of the House who saw the performance.

Mr. CANNON. Mr. Speaker, I say again that the gentleman is mistaken in letter and substance.

Mr. BURNETT. Very well, let it go at that.

Mr. CANNON. Very well. Then the gentleman withdraws that statement?

Mr. BURNETT. I do not withdraw the statement that I had that statement from Members on the gentleman's side.

Mr. CANNON. Then the statement is an unqualified untruth.

Mr. BURNETT. I am quoting from gentlemen on that side of the House who gave me the statement, and when the gentleman from Illinois states it is untrue he makes them out as stating an untruth.

Mr. MANN. Mr. Speaker, the fact is the quorum was not broken, so the gentleman must be mistaken.

Mr. BURNETT. No; the quorum was not broken—I withdraw that part of the statement.

Mr. MANN. But the gentleman makes the statement now.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. MANN. The gentleman's statement is incorrect.

The SPEAKER. The gentleman from Alabama has the floor, and anybody who desires to interrupt must first address the Chair.

Mr. BURNETT. But the absence of enough Members was secured to defeat the proposition of the illiteracy test on the vote and not by breaking a quorum, as I erroneously stated.

Mr. CANNON. Mr. Speaker, I say again that a majority of the House then could have, as a majority of the House now can, on any day, except Mondays and Wednesdays, under the rules of the House, and without a special rule, consider and pass the Senate bill with or without the illiteracy test if it desires so to do.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Under what is the House now proceeding?

The SPEAKER. It is proceeding under an effort to get unanimous consent to consider this bill.

Mr. HOWARD. Mr. Speaker, I have not heard any of these gentlemen who have interrupted the gentleman from Alabama reserve the right to object.

The SPEAKER. That kind of talk takes a very wide latitude.

Mr. MANN. But the gentleman was not here.

Mr. HOWARD. Oh, I have been here all of the time.

Mr. BURNETT. Mr. Speaker, I ask that the request be put.

The SPEAKER. Does the gentleman from Georgia object?

Mr. HOWARD. I do not. I wanted to know under what rule we were proceeding.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of this bill and to consider the committee amendments as adopted and the bill passed and the motion to reconsider made and laid on the table. Is there objection?

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. BURNETT. Mr. Speaker, there was no objection to the consideration of the bill.

The SPEAKER. That request has never been put. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, I again submit the request which I made before, that unanimous consent be given for the immediate consideration of the bill and that the previous question be considered as ordered on the bill and committee amendments to final passage.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. COVINGTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COVINGTON. Is there anything now before the House?

The SPEAKER. There is before the House a unanimous-consent request of the gentleman from Illinois [Mr. MANN], and the gentleman from California [Mr. RAKER] reserves the right to object.

Mr. RAKER. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Whether or not under the request of the gentleman from Illinois, if it is granted, the bill will be permitted to be amended?

The SPEAKER. If the gentleman's request is granted, the bill can not be amended except by the committee amendments. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I would ask to have the request again stated.

The SPEAKER. The gentleman from Illinois will please again state his request.

Mr. MANN. Mr. Speaker, the purpose of my request was to facilitate the passage of a bill to which no one objected, and was that the bill might be taken up for consideration and that the previous question should be considered as ordered upon the bill and committee amendments to final passage.

Mr. GARDNER of Massachusetts. Does the gentleman request it be considered in the House, or is it a House bill?

Mr. MANN. It is a House Calendar bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of this bill and that the previous question shall be considered as ordered on the bill and committee amendments to final passage. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I gather from the statement of my distinguished colleague from Alabama that the Committee on Rules advised him that on account of the rush of other matters they have not time to consider a rule at this time. I do not know that I shall object to the present consideration of this particular bill, but when we approach the consideration of this bill I apprehend that it should be on a fair and correct basis of the facts in regard to it. For two months there has been pending before the Rules Committee of this House——

Mr. COVINGTON. Will the gentleman permit an interruption?

Mr. RODDENBERY. Not just now. A resolution making the Burnett immigration bill, a general restrictive bill, a special order. The Committee on Rules has considered dozens of special orders which have been brought to their attention subsequent to that time, and if we are not at this session to have consideration of general restrictive immigration legislation it should not be placed upon an incorrect excuse or attributed to a false reason. A suggestion has been made to the distinguished gentleman from Illinois [Mr. CANNON] that during his Speakership a similar bill was reported, and the Committee on Rules of the Republican House would not act upon it. It is true; and just about that time organizations interested in the advancement and passage of general restrictive immigration legislation wrote to the Members of the House of Representatives asking how they stood on such legislation. They began at the top. They addressed one of their communications to the honorable Speaker of the House a little prior to March 14, and at that time the Speaker replied:

> I am in favor of all just, proper, and rational legislation along the lines of regulating foreign immigration, but am not in favor of every proposition to restrict foreign immigration that may be proposed. Undoubtedly the right sort of immigration is desirable and the wrong sort ought to be shut out.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. Not at this moment. At the same time a letter was addressed to the Democratic leader of the House, Mr. UNDERWOOD, and he answered in a letter under date of February 26, 1910——

Mr. GOLDFOGLE. Will the gentleman give me a chance to ask him a question?

The SPEAKER. Does the gentleman from Georgia yield?

Mr. RODDENBERY. I decline to yield. The letter addressed by the Farmers' Union to these gentlemen was——

Mr. GOLDFOGLE. Mr. Speaker, I raise a question of order.

The SPEAKER. What is the question of order?

Mr. GOLDFOGLE. That the gentleman is not discussing the matter before the House, and that his remarks are not germane.

The SPEAKER. The question before the House is whether there shall be unanimous consent to the request made by the gentleman from Illinois. Any gentleman can bring this matter to a head by calling for the regular order. The gentleman will proceed.

Mr. RODDENBERY. In the letter the question was asked:

> Are you in favor of securing without delay more stringent legislation along the lines of restricting foreign immigration?

To which Mr. UNDERWOOD replied, under date of February 26, 1910:

> Fourth. Securing without delay more stringent legislation along the line of restricting foreign immigration.
>
> I have for many years been in favor of restricting immigration. Some years ago, on my motion, an educational test for immigrants coming into this country was passed by the House of Representatives, but defeated in the Senate. This proposition will continue to have my hearty support.

I desire to read now from the distinguished chairman of the Rules Committee——

Mr. GARDNER of Massachusetts. Mr. Speaker, I call for the regular order.

Mr. RODDENBERY (continuing). Mr. HENRY, and from Mr. POU, of the Committee on Rules, and Mr. HARDWICK, of the Committee on Rules, and others.

The SPEAKER. The gentleman is out of order. The question is on the request of the gentleman from Illinois [Mr. MANN] that the House grant unanimous consent for the present consideration of this bill, that the previous question on the bill and committee amendments be considered as ordered. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object——

Mr. GARDNER of Massachusetts. The gentleman can make no reservation of the right to object; the gentleman must know that.

The SPEAKER. The gentleman from Massachusetts has the right to demand the regular order, and that is equivalent to an objection. Is there objection now to the request of the gentleman that——

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to ask the Chair if it is not a fact as we are proceeding under unanimous consent that unanimous consent has to be acquired before the motion of the gentleman from Illinois is in order?

The SPEAKER. Why, that is exactly what the gentleman from Illinois is asking—unanimous consent.

Mr. HOWARD. I understand, Mr. Speaker, but he couples with the unanimous consent all of these provisos shutting off any amendment.

The SPEAKER. The gentleman could couple with it the Ten Commandments if he chose to do so. [Laughter.]

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Does the request for unanimous consent by the gentleman from Illinois interrupt the proceedings and prevent the conclusion of my remarks touching the position of distinguished Democrats on this question?

The SPEAKER. It shuts the gentleman out absolutely.

Mr. RODDENBERY. I shall therefore be obliged to object. I am in favor of a fair hearing and will continue my remarks on another day.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects. The question recurs, then, on the same request for unanimous consent to consider this bill. Is there objection?

Mr. BARTHOLDT. I object.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

Mr. RODDENBERY. Mr. Speaker, may I have unanimous consent to extend my remarks in the RECORD?

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RODDENBERY. The extension desired is to put in the RECORD——

Mr. FITZGERALD rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FITZGERALD. In view of the character of the gentleman's remarks, he referring to the attitude of other gentlemen in this House, I think the extension he proposes should be specifically stated, and I therefore object.

The SPEAKER. The gentleman from New York objects.

Mr. RODDENBERY. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Georgia withdraws his request. The Clerk will report the next bill.

INCREASING THE LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

The bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. Mr. Speaker, I want to state that I am going to ask to have this bill passed over without prejudice.

Mr. MANN. Why not pass the bill?

Mr. BURNETT. Oh, no. I understood that perhaps there has been an arrangement by which the lands involved have been deeded to the Government——

Mr. FITZGERALD. Pass it, anyway.

Mr. MANN. Why not pass the bill?

Mr. BURNETT (continuing). And for that reason I agreed with the gentleman from Illinois [Mr. RODENBERG] that it be passed over.

Mr. MANN. If the gentleman has an agreement, all right.

Mr. FITZGERALD. The authority would still be there.

Mr. BURNETT. I understand the matter has been settled, and I want to get the bill up and passed at this session; but if that has not been done, I want to confer with the gentleman from Illinois [Mr. RODENBERG] first. I told him I would request on Monday to have it passed over, and without further conversation with him I do not think it should be considered at this time. I ask, Mr. Speaker, that the consideration of the bill be passed without prejudice.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the consideration of this bill be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

PREVENTING THE MANUFACTURE, SALE, OR TRANSPORTATION OF ADULTERATED FOODS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, be, and the same is hereby, amended by striking out the words "Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package," and inserting in lieu thereof the following:

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with the provisions of this act, which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however*, That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to 18 months after its passage.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 2, lines 11, 12, and 13, strike out the following language, beginning with the comma after the word "Act": "which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Chair will request the gentleman from New York to wait for a moment. There is one more committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 19, by striking out the word "eighteen" and inserting in lieu thereof the word "twelve," so that it will read "twelve months after its passage."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to strike out, on page 2, lines 14 and 15, the words "That this act shall take effect and be in force from and after its passage."

The United States Supreme Court has held that an act of Congress takes effect from the time of its approval, unless otherwise specified in the act. Congress should not include a declaration that is unnecessary under the decisions of the court.

Mr. COVINGTON. Mr. Speaker, I concede the accuracy of the statement of the gentleman from New York. Under ordinary circumstances referred to an act ought not to contain the expression, but, as the gentleman will observe, immediately after

that clause in the pending bill there is a proviso which sets forth that the enforcement of the act shall begin 12 months after the date of its passage. At the same time the establishment of the tolerances provided in the bill and the creation of the machinery of administration must begin at once. Consequently it is of some importance that the language of this act remain as it is. It makes clear to all persons who may have to comply with it the exact time when it will be enforced.

Mr. FITZGERALD. The act becomes effective except that part of the act which is specifically excepted from the operation of the rule as laid down by the courts—the law becomes effective, but under the act the penalty of confiscation shall not be enforced until a period of 12 months after the approval of the act.

Mr. MANN. Mr. Speaker, the statement of the gentleman in reference to the time when the act takes effect is absolutely correct. When this bill was first prepared there was this difficulty in reference to it: It was not desired to put the act into effect until a period of time had elapsed after its passage except as to that part of it which permitted regulations to be made.

The regulations would have to be made before the act would go into actual effect. Therefore, instead of providing that only so much of the act should take immediate effect as concerned the matter of regulation, the item in the bill provides that the act shall take effect; but, following that, it provides the enforcement of the act shall not take effect itself—plain language—for 12 or 18 months, as the case may be, depending upon the adoption of the amendment.

It seems to me that without the provision inserted here, that the act shall take effect upon its passage, the people who would obtain copies of the act would be entirely misled as to when the act does take effect. While it may be considered a matter of tautology and the statement of a truism, yet with the other provision in the bill it was thought desirable, and I think it is still desirable, to have that provision inserted there for the information of people who are interested in the bill. People all over the United States in the manufacturing business are very much interested in the provisions of this law and desire to know when and how far it takes effect. I hope the gentleman will not insist upon his amendment under the peculiar circumstances surrounding this bill.

Mr. FITZGERALD. I am by no means convinced by the gentleman, and if I had been drawing the bill I would have used the word "approval" instead of "passage."

Mr. MANN. It might never be approved. It is passed when it is approved.

Mr. FITZGERALD. That is a term not used in legislation. Laws do not take effect on their passage.

Mr. MANN. "Passage" is correct. An act is not passed until it is approved.

Mr. FITZGERALD. If the experts on the pure-food law are standing together on this matter——

Mr. MANN. I admit the impeachment.

Mr. FITZGERALD. Then I shall defer to their judgment and withdraw the amendment.

Mr. MANN. The gentleman from Maryland and myself are standing together on this matter.

Mr. COVINGTON. The gentleman from Illinois and myself usually stand together on matters relating to the pure-food law.

Mr. FITZGERALD. I withdraw the amendment, and in that way will relieve the gentlemen of the embarrassment under which they are laboring.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. COVINGTON, a motion to reconsider the last vote was laid on the table.

UNITED STATES DISTRICT COURT FOR PORTO RICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10169) to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge, and for the trial of cases in the event of the disqualification of or inability to act by the said judge.

The bill was read, as follows:

Be it enacted, etc., That whenever the United States district judge of the district of Porto Rico shall be absent from the said district, and that fact shall be made to appear by the certificate in writing of the United States attorney or marshal of that district, filed in the office of the clerk of the United States district court for said district, or when for any reason the said judge shall or may be disqualified or unable to act as such in any cause pending in the district court of the United States for Porto Rico, and that fact shall be made to appear either by proper order entered in the record of said cause by the regular district judge, or by the certificate in writing of the United States attorney or marshal of that district filed in the office of the clerk of the United States district court for said district, the governor of Porto Rico may, by writing filed in the said clerk's office, designate a justice of the supreme court of Porto Rico either as temporary judge of said district court or as special judge thereof; and the temporary judge so designated as aforesaid shall have and may exercise within said district, during the absence of the regular district judge, all the power of every kind by law vested in said district judge, and after the return of said district judge to said district, shall continue to have and exercise said powers with respect to any cause, the trial of which shall have been commenced before him or which shall have been submitted to him for decision prior to the return of said district judge; and the special judge so designated as aforesaid shall have and may exercise within said district all the power of every kind by law vested in said district judge with respect to any cause named in the writing by the governor, filed as aforesaid, designating the said special judge as aforesaid: *Provided*, That no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

The SPEAKER pro tempore (Mr. HOUSTON). Is there objection?

Mr. SISSON. Reserving the right to object, I should like to ask who has charge of this bill?

The SPEAKER pro tempore. The bill was introduced and reported by the gentleman from Alabama [Mr. CLAYTON].

Mr. FLOYD of Arkansas. Mr. Speaker, I will state to the gentleman from Mississippi the facts in regard to the necessity for this legislation as I understand them.

There is now no provision in the law under which the district court can be held in Porto Rico in the absence or disqualification of the district judge.

Mr. SISSON. I gathered that from the bill. I should like to inquire about the compensation of the judge who sits in the absence of the regular judge. Is any additional expense imposed upon the Federal Government to pay the salary of the judge who sits temporarily in the absence of the regular judge?

Mr. MANN. There is a proviso in the bill that there shall be no additional expense.

Mr. FLOYD of Arkansas. The bill expressly provides that.

Mr. SISSON. In other words, the Federal judge loses his salary during his absence.

Mr. MANN. The bill says that no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

Mr. SISSON. I did not have the bill before me.

Mr. FLOYD of Arkansas. It protects the Government from any additional expense, and is intended as a matter of public convenience.

Mr. SISSON. If additional compensation could be allowed, the regular judge might be encouraged to be absent; and he might be absent for 12 months. I have no objection to the bill.

Mr. FLOYD of Arkansas. I will state to the gentleman from Mississippi that that is taken care of in the bill, which provides that there shall be no additional expense incurred in such cases. Mr. CLAYTON, the chairman of the Committee on the Judiciary, is the author of this bill, and his report, made to the House on the same, sets forth the facts fully, and is as follows:

[House Report No. 614, Sixty-second Congress, second session.]

TEMPORARY OR SPECIAL JUDGE, UNITED STATES DISTRICT COURT OF PORTO RICO.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 10169):

The Committee on the Judiciary, having had under consideration the bill (H. R. 10169) to provide for holding the District Court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge, report the same back with the recommendation that it do pass.

This bill seeks to make provision for the designation by the Governor of Porto Rico of a justice of the Supreme Court of Porto Rico to act, either as temporary judge of the United States District Court for Porto Rico or as a special judge thereof, during the absence of the judge of the said court or his disqualification to sit in any case or cases before that court. Such temporary or special judge would, under the provisions of the bill, receive no compensation in addition to that received by him as justice of the Supreme Court of Porto Rico. Its enactment would remedy such a situation as that which existed during the April (1911) term of the District Court of Porto Rico when the late Judge John J. Jenkins was in his last illness and the business of the court was suspended. In fact it was this very condition which called attention to the necessity for such legislation as it is here proposed.

In the second contingency mentioned—that is, in case of the disqualification of the United States district judge to sit in any case—it would be necessary without this proposed amendment of the law for a judge to be sent from the United States to Porto Rico. It is not settled that a circuit judge or a circuit justice has the power to assign a district or circuit judge from one of the districts in continental United States to the district of Porto Rico. At all events it would seem wise to save the expense of sending a district judge to Porto Rico by a proper measure such as your committee believe this bill to be.

The enactment of the legislation was recommended by the Attorney General in his letter to the chairman of the Committee on the Judiciary under date of April 25, 1911, which letter and the memorandum therein mentioned for the Secretary of War from Gov. Colton, of Porto Rico, under date of April 20, 1911, are hereto appended.

OFFICE OF THE ATTORNEY GENERAL,
Washington, April 25, 1911.

Hon. HENRY D. CLAYTON,
Chairman Committee on the Judiciary, House of Representatives.

MY DEAR MR. CLAYTON: The Secretary of War advises me that he has had a talk with you with respect to procuring some legislation under which during the absence of the United States district judge for Porto Rico a justice of the supreme court of the island may act in his stead. Both Judge Jenkins, United States district judge, and Gov. Colton recommend the passage of such an act, and it would seem to me to be quite necessary that there should be some such legislation. It may be a question whether or not under the general power of a circuit judge or circuit justice to assign a district or circuit judge from one district to another a judge from one of the districts in the United States proper could be assigned to Porto Rico. Aside from that the expense of sending a judge from the mainland to the island is worthy of consideration. The supreme court of the island is composed of a chief justice and four associate justices, two of whom are Americans and three native Porto Ricans. During the absence from the island of the regular United States district judge, it seems to me that one of these justices might properly hold the district court, and I have drafted a bill, which I inclose for your consideration, which would authorize that to be done.

I also inclose a memorandum from the Governor of Porto Rico and a letter from Judge Jenkins recommending this legislation.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, April 20, 1911.

There is considerable business pending in the United States District Court for Porto Rico, and the time for opening its April term has passed.

Judge Jenkins, the incumbent, is in the United States and is in such ill health as to make his return at all problematical, and under the most favorable circumstances impossible for two or three months.

Meanwhile all business of the court is suspended, and the rights of litigants are thereby prejudiced, and there is no one with judicial authority to act upon applications for emergency writs or to sign orders; neither is there any authority in law for the designation of a substitute judge during the absence or disability of the regular incumbent.

To relieve the immediate situation, as well as to enable the designation of a substitute judge whenever necessary in an emergency or when the regular judge may be absent on leave, it is suggested that Congress be requested to authorize the President to designate one of the judges of the Supreme Court of Porto Rico to act, without extra compensation, as judge of the United States district court during any absence of the regular judge.

Attached hereto is a letter from Judge Jenkins upon this subject.

Respectfully submitted.

GEO. R. COLTON,
Governor of Porto Rico.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOYD of Arkansas, a motion to reconsider the last vote was laid on the table.

FORT M'HENRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics.

The bill was read, as follows:

Be it enacted, etc., That Fort McHenry and the Government grounds therewith connected shall remain a Government reservation under the exclusive jurisdiction of the United States and in the control of the War Department for military purposes: *Provided*, That said fort proper and appurtenant grounds may, with the assent and under the control of the Secretary of War, be occupied as a military museum under such rules and regulations as he, in his discretion, may prescribe.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object——

Mr. ROBINSON. Reserving the right to object, I should like to ask the gentleman the area and location of this reservation.

Mr. LINTHICUM. Mr. Speaker, the area of Fort McHenry is now 50 acres. Formerly there were 52¾ acres, but 2¾ acres were given by the Government to the Skinner Shipbuilding & Drydock Co., who now maintain a drydock for the use of the Government.

Mr. ROBINSON. What is the purpose in making the reservation?

Mr. LINTHICUM. It is primarily to take care of one of the historic forts of this country.

Mr. ROBINSON. Did the committee consider the administrative cost of the proposition?

Mr. LINTHICUM. I am not a member of that committee. I am simply representing Senator RAYNER for the bill. I can not see where there will be any expense, except, probably, cutting the grass and keeping the buildings and fortifications in order.

Mr. ROBINSON. Has the reservation any source of revenue?

Mr. LINTHICUM. None whatever.

Mr. ROBINSON. The gentleman knows that it will require a superintendent and other employees to take charge of it and look after it, will it not?

Mr. LINTHICUM. It is Government property, with Government buildings on it, and troops have been there until within the last 10 days, and no doubt troops will be placed there later on. There are officers' quarters and quarters for soldiers, and the Government naturally will not allow its property to run down.

Mr. ROBINSON. Why not keep it for that purpose?

Mr. LINTHICUM. It will be kept for that purpose. I will say to the gentleman that the primary reason for this bill is that for the past 10 years there have been efforts by various parties to use these grounds for other purposes. Eight years ago the Agricultural Department wanted these grounds as a quarantine station for cattle, and it was only by the alertness of the citizens of Baltimore in procuring a lease of these grounds from the Government for a nominal rent that we kept it from being turned into a quarantine station for cattle at that time.

Mr. ROBINSON. How far is it from Baltimore?

Mr. LINTHICUM. It is in Baltimore. At the time of the Battle of Fort McHenry it was about 4 miles. I think the gentleman remembers the historic facts connected with the old fort.

Mr. FINLEY. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. FINLEY. Is not this place that you propose to make a reservation probably the most historic point in all Maryland connected with the War of 1812?

Mr. LINTHICUM. I think we Marylanders and all patriotic societies consider it the most historic point.

Mr. FINLEY. I agree to that, and that is the real reason why the passage of this bill is urged.

Mr. ROBINSON. Does the gentleman from South Carolina agree that it will involve no cost to the Government?

Mr. FINLEY. I think the cost to the Government would be inconsiderable. I am one of those who believe that to honor those who have gone before us and to mark the spot of greatest historic interest we do a credit to ourselves; and, as I say, I think the cost to the Government will be inconsiderable.

Mr. ROBINSON. Mr. Speaker, in view of the statement made by the gentleman from Maryland, I shall not object.

Mr. SISSON. Mr. Speaker, reserving the right to object, I notice that the proviso in the bill says that the fort property and appurtenant grounds may, with the assent of the Secretary of War, be occupied as a military museum under such rules and regulations as he may in his discretion prescribe. It seems that it is contemplated in this bill that the Secretary is directed to use this as a museum, and it will cease to be used as a fort.

Mr. LINTHICUM. I think not; but the gentleman will find that it says that the Secretary of War may assent, and so forth.

Mr. SISSON. I understand that if the Secretary of War should not agree to it, of course it could not be set apart as a museum, but in the event that he did assent to it, when his order was once entered, it then becomes a museum, and could not under the provisions of this bill ever become again a military reservation.

Mr. SLAYDEN. I wish to ask, if the gentleman from Maryland will permit me, if it is not contemplated by the War Department to abandon this as a military post?

Mr. LINTHICUM. It is the contemplation of the War Department to abandon it is a military post, and it is contemplated by patriotic societies to collect here all the historic relics they can get which are of interest, and probably erect a museum at some future day.

Mr. SLAYDEN. Mr. Speaker, with the further consent of the gentleman from Maryland, I want to say that when my attention was drawn to the fact that the Government expected to abandon this post for the stationing of troops—they have had the Coast Artillery there for some time—I suggested, and I think it is something that ought to be done, that as they were seeking an appropriation from Congress to erect a building for an engineers' school, the economic and wise thing would be to go to Fort McHenry and establish the school there. It is close enough to Washington to keep the school in easy touch with the Capital, closer than the artillery school at Fort Monroe, and it would establish something that the people at Baltimore and

Maryland would like to have—an important school. It would also preserve this historic fort, which is the scene, I believe, of the writing of the Star-Spangled Banner.

Mr. TALBOTT of Maryland. The flag that was floating at twilight and at dawn inspired the hymn.

Mr. SISSON. I want to state that there is a good deal of uncertainty as to what might finally become of the property under the terms of this bill. It seems to leave it within the discretion of the Secretary of War to determine what sort of a museum shall be put up there, and for what purposes the property might be used in the future. In view of the statements made by the gentleman from Texas, do you not think it wise to wait until the Secretary of War or the War Department abandons it for a fort before you undertake to dispose of it?

Mr. LINTHICUM. The War Department has practically abandoned it already. Within less than 10 days they have removed all of the troops. We are trying to get an engineers' school there and use the property for some purpose. The property is so close to the city of Baltimore that for the purposes of a fort it is of practically no use.

Mr. SISSON. If you use it for a museum you can not use it for a school.

Mr. TALBOTT of Maryland. The buildings are all there and there would be no additional cost to the Government to establish the school.

Mr. SISSON. But that does not answer my question.

Mr. MONDELL. Mr. Speaker, we are all interested in Fort McHenry, but we can not hear the conversation on the other side of the House in regard to it.

Mr. SISSON. I want to thank the gentleman from Wyoming for that compliment he has just paid me, because what I say may not amount to much, but I never was accused before of not talking loud enough to be heard. What I want to try to get at in this matter is whether or not under the provisions of this bill, if it passes, and the Secretary of War should set it apart as a museum, it can be used in the future for any other purpose without repealing the act?

Mr. LINTHICUM. I will say that I just told the gentleman that there were 50 acres of ground there. The engineers' school which we are trying to get located there would take up but a very little space. It would be a magnificent site for it, and it would be absolutely under the War Department.

Mr. SISSON. But under the act you get that ground for a museum. The bill says the "fort property and appurtenant grounds," and that would include all the grounds appurtenant to this fort—entirely too much to be set apart for a museum. If you want any reservation for school purposes the bill ought to provide for it. It should be set apart for museum purposes and for such other purposes as the War Department might desire.

Mr. MANN. Mr. Speaker, it has not been possible to hear all the private conversation that has been going on in the southeast corner of the hall. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. LINTHICUM. With pleasure.

Mr. MANN. Mr. Speaker, how much is the cost of this museum to be?

Mr. LINTHICUM. I will say to the gentleman from Illinois that there is no present prospect of a museum there.

Mr. MANN. There is no limit of cost of the museum in this bill, I notice.

Mr. LINTHICUM. The Government is not expected to erect any museum there and there is no present prospect of one.

Mr. MANN. But the bill says that it shall be occupied as a military museum, and there is no limit of cost. Does not the gentleman know that that at any time would authorize an appropriation in unlimited amount, year after year, for a museum there?

Mr. LINTHICUM. I would say to the gentleman, as I said before, that there is no present prospect or any idea of asking for any appropriation for this fort, but we do feel that a fort which occupies the place in history that Fort McHenry has occupied, when the British forces had taken this city and burned the buildings and were checked at Fort McHenry and North Point, it is entitled to be preserved to all posterity.

Mr. MANN. What is the purpose of putting in the bill that it is to be occupied as a military museum if there is no intention of doing it?

Mr. LINTHICUM. There is nothing in the bill that says that it shall be occupied as a military museum, but that it may be occupied as a military museum, with the idea that is carried out at Mount Vernon and at other places, where patriotic societies may be able to collect relics pertaining to the War of 1812, and that subsequently they may have a museum, but there is no present prospect whatever of it or any idea of it.

Mr. MANN. If there is no intention of having a museum there I can see no object in passing a bill providing for it.

Mr. TALBOTT of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Mr. Speaker, I believe I have the floor. I reserved the right to object.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. LINTHICUM] had the floor, and he yielded to the gentleman from Illinois.

Mr. SISSON. Mr. Speaker, in order that we may settle this matter permanently, if my objection is to be dealt with in that way I can stop the discussion by making an objection now, but I had some matters in respect to which I desired to be satisfied.

The SPEAKER pro tempore. The gentleman from Maryland has the floor.

Mr. TALBOTT of Maryland. Mr. Speaker, I would ask the gentleman from Maryland to give me three minutes' time to explain this bill, and probably there will not be so many objections to it.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland, in order to meet the objection of the gentleman from Illinois and possibly of that of the gentleman from Mississippi, that if he would amend the bill by striking out the proviso he would accomplish everything that is desired.

Mr. TALBOTT of Maryland. Or he could say "such other purposes as the War Department may use the property for."

Mr. SISSON. Mr. Speaker, I would say to the gentleman from Virginia that I have no objection to the passage of the bill if he will strike out the proviso. In the first place, I do not want to commit the Government to using all of this land for a museum, and I do not want to commit the Government in any way, directly or indirectly, to the establishment of a museum there. I am willing to have it remain as Government property, and am willing that it may be preserved for military purposes and taken care of, but I do not want to commit the Government indirectly to the establishment there of a museum.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland that he cut the Gordian knot by doing that.

Mr. MANN. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. SISSON. Yes.

Mr. MANN. Would the gentleman from Mississippi and the gentleman from Maryland and the gentleman from Virginia agree to strike out all after "department," in line 6?

Mr. SISSON. Yes.

Mr. HAY. No; we want to preserve it for military purposes. That is the purpose of the bill.

Mr. MANN. I do not know whether we want to preserve it for military purposes or not. The purpose of the bill is to prevent it from being turned over to the Interior Department for sale.

Mr. HAY. Or to the Agricultural Department to establish a quarantine station for cattle there.

Mr. MANN. That would leave it read that the grounds shall remain a Government reservation, in the exclusive jurisdiction of the United States, in the control of the War Department.

Mr. HAY. That is what it is now.

Mr. SISSON. I have no objection to that. If it is for the purpose of committing Congress to the preservation of Fort McHenry, I have no objection to the bill at all.

Mr. TALBOTT of Maryland. Mr. Speaker, I will ask the gentleman from Maryland to yield me three minutes.

Mr. LINTHICUM. Mr. Speaker, I yield three minutes to the gentleman from Maryland.

Mr. TALBOTT of Maryland. Mr. Speaker, the people of our State are very much exercised as to what is to be the final disposition of Fort McHenry. It is an historic spot, not only with us, but it is with the Nation. It is the place where at twilight the flag was flying and where it was still flying at dawn, the place where Key was inspired to write his immortal hymn. Our people do not want this historic place taken from the Army or from them. That is all there is in it. It belongs to us. We ought to have there a monument to Key and the Government ought to have that as a reservation. It ought to be occupied as an historic place, where was inspired the grandest national hymn for liberty-loving people that has ever been written. That is all I desire to say about it.

Mr. LINTHICUM. Mr. Speaker, I want to explain to the gentleman from Mississippi that the idea of that clause in this bill is not for the purpose of committing the Government to anything. It is for the purpose of allowing the patriotic societies, if they so desire, to get space there for a museum of some kind. It is not worth while for me to talk to this House about the historic importance of Fort McHenry. Everybody

ought to realize and know it. It is the place where the British troops were checked in their march through this country, and from that time on were defeated, and we regained our prestige. Had it not been for their repulse at Fort McHenry and North Point there is no telling whether this Union would have kept together, because the New England States were talking very peculiarly at that time. It was not only the question of writing the Star-Spangled Banner, but it was the question of saving the Star-Spangled Banner at that time.

When Francis Scott Key went to get his friend released from that British battleship, when he remained there during the darkness and when the sun went down he saw the Star-Spangled Banner floating he naturally wanted to know whether that flag was still flying at the dawn's early light, and when he beheld that flag he wrote that immortal poem, the Star-Spangled Banner. Now, it is a question whether this Government wants to preserve its historical spots; whether it wants to desecrate those spots or hand them down to posterity. I hope the day may come, Mr. Speaker, when this country will have preserved all its historical spots, when it reveres the memory of its great battles and its wars more than it does the mere getting of money, as now seems to be the ruling passion in all parts of this country. Therefore this bill has been pushed forward by the patriotic societies not for the purpose of having the Government spend any money, because it will not take any money except to cut the grass and keep the building and fortifications in shape, but for the purpose of preserving it and handing it down to future generations as the Fort McHenry where the British were repulsed and where our national honor was upheld.

Mr. STEPHENS of Texas. Will the gentleman yield? I desire to suggest an amendment which, I think, will satisfy all parties in this matter.

Mr. LINTHICUM. I want to say to the gentleman from Mississippi that if he is in doubt as to this question about the Government having the right to make it a military museum, I am perfectly willing to leave it in the hands of the War Department and let them handle it.

Mr. SISSON. Mr. Speaker, I will say to the gentleman from Maryland I think he will get all he wants, because it will be left in the control of the War Department, and the bill then will provide that it shall be kept as a Government reservation, and it in no way commits the Government to a museum, and if these societies desire to use the building for that purpose they could get a permit from the War Department, because it is under its control. I think that is all the gentleman is asking for.

I am in sympathy with it, but I do not want to commit the Government to the establishment of a museum. The Mount Vernon proposition, to which the gentleman referred, he will realize is a proposition where the patriotic ladies of the country made up a subscription to purchase Mount Vernon. It was not done by the Federal Government. As far as the school is concerned, my information is that the War Department has estimated already an appropriation for the present school. I would not care anything about that except I would not like for the bill to commit us to——

Mr. SPARKMAN. What school?

Mr. SISSON. This military school—engineering school.

Mr. SPARKMAN. The last river and harbor bill provided for it.

Mr. SISSON. If the gentleman from Maryland will agree to the suggestion made by the gentleman from Illinois [Mr. MANN], I have no objection, if he will strike out all after the words "War Department," in line 6.

Mr. LINTHICUM. I have no objection to it if the gentleman thinks it is an advantage.

Mr. SISSON. With the understanding that the bill will be amended, in line 6, by striking out all after the word "Department," I will withdraw my objection.

The SPEAKER. There is no one who can give that assurance. Of course, you can have an agreement with the gentleman from Maryland that he will not oppose it. The Chair has ruled, in ordinary practice, that if a man in charge has no objection to an amendment and nobody else objects——

Mr. SISSON. If anybody should object to that statement, I think they ought to object to the agreement, and I assume that the House does not object to the agreement.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask my distinguished friend from Maryland whether, if the amendment referred by the gentleman from Mississippi be agreed to——

Mr. LINTHICUM. I have no objection to it if the gentleman from Mississippi and the gentleman from Illinois think it ought to be done.

Mr. MANN. I would like to ask whether when the bill goes back to the Senate and the Senate will disagree to the House amendment and ask for a conference, having obtained the bill in a privileged status, in the closing hours of the session they would expect to pass the bill as it now is?

Mr. HAY. Mr. Speaker——

Mr. MANN. I am trying to get the attention of the gentleman from Maryland first and then of my friend from Virginia. Does the gentleman think that will be satisfactory to the body at the other end of the Capitol?

Mr. LINTHICUM. Certainly, I think I can answer that question, but the Senator who introduced the bill is not here, and I could not say; but, so far as I am concerned, it will be perfectly satisfactory, because I am sure the War Department would not have any objection to the use of one of these old buildings for a museum or something of that kind without any expense upon the part of the Government. I can not answer for the conference committee, but I can see no objection to it.

The SPEAKER. Is there objection?

Mr. MANN. Just one remark. If that is the understanding on the part of the House, and if this bill goes to conference and the language we have stricken out by the amendment is reinserted, I would consider a confidence game had been played upon me, and I would not have it happen again during this Congress.

The SPEAKER. The House can instruct the conferees. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following amendment, to strike out all after the word "Department," in line 6, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the bill after the word "Department," in line 6, page 1.

The question was taken and the amendment was agreed to.

Mr. HAY. Mr. Speaker, I will say in response to the gentleman from Illinois that I do not know upon what authority the gentleman could state that a confidence game would be played upon him if the Senate insisted upon disagreeing to the amendment of the House and asked for a conference.

Mr. MANN. Oh, no; I did not state that.

Mr. HAY. That is equivalent to what the gentleman stated. Now, of course, nobody here can speak for what the Senate will do. They may disagree to the House amendment or may agree to it. I do not know what they propose to do; but I do not think that the House can take previous action upon a question of this kind.

Mr. MANN. The House can not control the Senate.

Mr. SISSON. In reference to the statement made by the gentleman from Illinois, to which the gentleman from Virginia excepted, I stated that, in view of the statement made here in the presence of all the Members, virtually unanimous consent was obtained for the passage of the bill with the amendment, which simply commits the conferees to the proposition, and if the House was unwilling——

The SPEAKER. Well, at this stage of the proceedings the House can not bind the conferees anyway, and the question is on the third reading of the bill.

Mr. LINTHICUM. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

Amend by inserting after the word "department," page 1, line 6, the following: "*Provided further*, That nothing in this act shall interfere with the present use of the piers now erected upon said fort ground nor the erection by the Government of any other pier thereupon for Government purposes, with necessary egress and ingress thereto."

Mr. LINTHICUM. Mr. Speaker, I ask that the word "further" be stricken from that amendment, inasmuch as the other amendment provided for it.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to modify his amendment by striking out the word "further." Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Maryland [Mr. LINTHICUM].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended to conform to the text of the bill.

There was no objection.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. In the amendment I have made it came in after the word "department," as the balance of the clause was stricken out by the previous amendment. Is that correct?

The SPEAKER. That is the way to do it.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 22195. An act to reduce the duties on wool and manufactures of wool; and

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

RELIEF OF HOMESTEAD ENTRYMEN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read the title of the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the amendment in the form of a substitute be read in lieu of the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

"SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes."

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a statement concerning the purposes of the bill.

This bill is amendatory of the two acts providing for enlarged homesteads, one approved February 19, 1909, applying to Colorado, Montana, Nevada, Oregon, Utah, and Washington, and the second approved June 17, 1910, applying to Idaho.

Both of these acts relate solely to nonmineral, unreserved, and nonirrigable lands which the Secretary of the Interior may have designated as not susceptible of successful cultivation at a reasonable cost from any known source of water supply—dry-farm lands.

The primary purpose of the bill is to carry out what may be regarded as one of the original purposes of the two acts referred to, namely, to permit entrymen of this class to have the advantage of residence on their original entries. The two acts referred to contain the following provision:

Residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

The department construes this to mean that full term of residence must be had after the additional entry is made. The bill will permit the residence on the original entry to be taken into consideration.

Other amendments are adopted to conform to the three-year homestead act of June 6, 1912. Under the existing laws one-eighth of the area embraced in the original entry must have been continuously cultivated in agricultural crops other than native grasses, beginning with the second year, and one-fourth must have been so cultivated, beginning with the third year.

The bill under consideration is more liberal with the homesteader, and provides, in conformity to the three-year homestead act of June 6, 1912, that one-sixteenth, beginning with the second year, and one-eighteenth, beginning with the third, must have been continuously cultivated. Under the proposed act the entryman, in making proof upon his additional entry, shall be credited with residence upon his original entry from the date of such original entry, but the cultivation must be shown respecting such additional entry, and made upon the original or additional entry, or upon both, and must be cultivation in addition to that relied upon and used in making proof upon the original entry. Or, if he elects, his additional and original entries may be considered as one.

Now, I yield to the gentleman from Illinois.

Mr. MANN. First, may I ask as to the form of the bill? It provides for an amendment of sections 3 and 4 of two different acts.

Mr. ROBINSON. I will state to the gentleman that the title should be amended.

Mr. MANN. I am not speaking of the title. It says "sections 3 and 4 of the act," and names two acts.

Mr. ROBINSON. That amendment was made to conform to the suggestion of the Secretary of the Interior in his communication to me as chairman of the Committee on the Public Lands.

The bill as originally drafted by the gentleman from Colorado [Mr. TAYLOR] did not embrace the second act, which applies to Idaho, and it is desired, both by the department and those seeking the legislation, that it shall apply to both of those acts.

If the gentleman will permit me just one further statement, I will say that there seems to be a great demand, coming from the States named, for this legislation. I myself have received several hundred letters from persons alleging themselves to be entrymen, and the bill is designed in its primary feature to give the benefit of the original acts to entrymen and at the same time to conform to the enlarged homestead act of June 6, 1912, as I have already stated.

Mr. MANN. With all due respect to the gentlemen who have written to the gentleman from Arkansas, I believe it is a universal rule that there is always a great demand for something that can be gotten for nothing.

Now, let us see whether that is the case here or not. That is what I want to know. You leave out of section 3 of the law the provision in reference to cultivation and residence, on the ground that under the existing law the residence and cultivation of the original entry, in order to be good on the additional entry, must be made after the additional entry is made.

Mr. MONDELL. Will the gentleman from Arkansas yield to me for a moment?

Mr. ROBINSON. I will yield to the gentleman from Wyoming.

Mr. MONDELL. I judge that the gentleman from Illinois, from the inquiry he makes, does not clearly understand what was intended or done.

Mr. MANN. I have asked a simple question.

Mr. MONDELL. Nothing was left out of section 3 excepting for the purpose of putting it in section 4 in a somewhat different form.

Mr. MANN. You left it out of section 3, did you not?

Mr. MONDELL. We left a paragraph out of section 3 in order to put it in another way in section 4. If we were going to put it in section 4, we had to leave it out of section 3.

Mr. MANN. Oh, no; you did not have to leave it out of section 3 at all. You left it out of section 3 for the reason I indicated. Do you deny that?

Mr. MONDELL. Yes; I deny that.

Mr. MANN. For what reason did you leave it out of section 3?

Mr. MONDELL. Because the department had practically nullified the provision in section 3, and it was on the suggestion of the department that the proviso was added to section 4, con-

taining the provisions which were in section 3 in a modified form.

Mr. MANN. The gentleman does not deny the statement I made about leaving it out of section 3, and he admits the correctness of the reason I gave for leaving it out of section 3. The question now is, What is the reason for inserting it in section 4, and how is it inserted in section 4? Does the gentleman claim that under this bill when a man makes an original entry and then wishes to take an enlarged homestead he will be required to make any cultivation at all upon the additional land taken?

Mr. MONDELL. Oh, yes.

Mr. MANN. Then what does this mean:

or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed.

What does that mean if it does not permit a man to use the cultivation upon his original entry in order to get the additional land without any cultivation of the additional land?

Mr. MONDELL. That is what he could have done under the language that is stricken out, as the gentleman knows.

Mr. MANN. I know better. I know he could not.

Mr. MONDELL. If the gentleman will yield for a moment, the language stricken out is this:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Mr. MANN. Yes.

Mr. MONDELL. Clearly under that language it was unnecessary for the entryman either to live upon or to cultivate the additional entry. The Secretary, in construing that, held that it should be read as though the statement was that residence upon and cultivation of the original entry subsequent to the additional entry shall be deemed as residence upon and cultivation of the original entry. Even under the Secretary's ruling it was unnecessary either to reside upon or cultivate the additional entry, but sufficient residence and sufficient cultivation must be had subsequent to the additional entry to meet the requirements of the law as to residence and cultivation. Now, in order to meet that ruling and leave the law as nearly as possible as it was originally intended, but still not quite as favorable as it was to the entryman, these words were left out of that section and a proviso added to section 4.

Mr. MANN. Does the gentleman think this would not make it quite as favorable to the entryman as it was originally?

Mr. MONDELL. No; it is not quite as favorable to the entryman.

Mr. MANN. That is sufficient reason for me to object. I do not believe in taking away rights already possessed by homesteaders.

Mr. MONDELL. It is not as favorable as the original legislation would have been, except for the rather extraordinary ruling of the Secretary relative to it.

Mr. MANN. I thought the gentleman would change his statement. The gentleman treats his construction of the law as final, whereas the people who construe the law in the administrative department are the ones who make the construction and not the gentleman from Wyoming after the act is passed.

Mr. MONDELL. I think it is scarcely necessary to discuss this construction of the Secretary.

Mr. MANN. I think not, because I think it was clearly understood that the construction made by the Secretary was the construction that would be put upon it; and it never was intended that a man who had an original homestead entry should, when the time came for him to make final proof, be permitted to acquire another 160 acres which he never had stepped on and never had done anything with, and gain the title to the additional land without turning his hand over.

Mr. MONDELL. If the gentleman from Illinois, whose memory is usually excellent, will refresh his memory by referring to the discussion at the time the act was passed, he will find that he himself made that very statement with regard to the act, and that he somewhat objected to the act on that ground.

Mr. MANN. The gentleman was persuaded then that the act would be construed otherwise. Now he complains of that construction and insists that I was right then, although he then insisted that I was wrong.

Mr. MONDELL. I never insisted that the gentleman was wrong, because the language is so plain that I do not believe there is anyone under the sun, save the man who decided it, who would have decided it as he did. I will read it again:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

That certainly is plain English, but the Secretary decided that that did not mean what it said, although he admitted that his decision created a hardship, and he himself suggested the amendment in the language in which we have it before the House.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LAFFERTY. Is not the object of the law that was passed some time ago, which you are seeking to amend, simply to give those who had made a homestead entry without exercising the right to the 320 acres to take 160 acres additional in order to make the 320 without making proof?

Mr. MONDELL. Yes; and for this logical reason: Within the past few years men have been taking 160-acre homesteads of the dry lands which are properly enterable under the enlarged-homestead law, but which were not so designated at the time they made the original entry. Subsequently the land was designated as coming under the law—the land they are living upon as well as the additional entry. That being true, there is no reason why the man who located two or three years ago should be denied the right which the man now gets by making entry on the land.

Mr. RAKER. If the gentleman will yield, I suggest that this bill puts the man who heretofore filed on the location on the same basis as the man who now files.

Mr. MONDELL. Yes; if the land is enlarged-homestead land.

Mr. RAKER. And you can not get 320 acres unless it is that kind of land.

Mr. MANN. He can get it if he works it, but you want to let him get it without doing a stroke of work on it. He can get it now if he wants to cultivate it.

Mr. MONDELL. Under the Secretary's ruling it is not necessary for the man to cultivate the additional land or reside upon it. The Secretary makes no such ruling as the gentleman from Illinois claims.

Mr. MANN. He is required to cultivate the additional land on the original entry, which, in this bill, you propose to cut in two.

Mr. MONDELL. The gentleman does not mean that. He does not have to cultivate it under the Secretary's ruling any more than he is required to under this bill. The only change this makes under the Secretary's ruling is this: If this act should pass, he would not be required to reside upon his entry after he took the additional land only long enough to complete his residence from the date of the original entry.

Mr. LAFFERTY. I would like to ask the gentleman another question.

Mr. MONDELL. I will yield.

Mr. LAFFERTY. Is it not a fact in practice that no lands can be entered under the 320-acre homestead law until they have been designated by the Secretary as being lands incapable of irrigation?

Mr. MONDELL. That is true.

Mr. LAFFERTY. And also lands of a semiarid nature?

Mr. MONDELL. And lands that do not contain merchantable timber.

Mr. LAFFERTY. And do we not, in order to get applications started, take a year or two to get them through, and the man files on the land expecting to enlarge his homestead entry at such time as the lands are designated as subject to the law?

Mr. MONDELL. Yes; it often occurs that a man settles on dry lands in anticipation of their being designated under the enlarged-homestead law.

Mr. MANN. May I ask whether under the existing law they are compelled to have under cultivation one-eighth of the area embraced in the entry for agricultural crops other than grasses beginning the second year of the entry?

Mr. MONDELL. The language of this statute is exactly the language of the three-year homestead bill that we passed, so that it does not change that.

Mr. MANN. It changes these sections.

Mr. MONDELL. We wrote the same provisions in here because it is already the law. The three-year homestead law fixes the period of residence, and we followed that law.

Mr. MANN. This has nothing to do with the period of residence. I am talking about the cultivation.

Mr. MONDELL. That was fixed in the law.

Mr. MANN. I do not understand that the three-year homestead law changes these sections.

Mr. MONDELL. I will say that the three-year law did change them exactly as they are here. The three-year law provided specifically for the amount of cultivation, including the enlarged homestead, and fixed the area exactly as we fix it in this bill.

Mr. LAFFERTY. Will the gentleman yield again?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oregon?

Mr. MONDELL. I will.

Mr. LAFFERTY. If a man should avail himself of the provisions of this bill to enlarge his homestead to 320 acres, would not he be required to double the amount of cultivation before he could prove up?

Mr. MANN. He would not be required to double anything if he was cultivating under the original law one-eighth, as the law requires, of the original entry. Under this bill he would be permitted to take the additional 160 acres without cultivating an additional acre or an additional piece of ground.

Mr. MONDELL. He must cultivate, as the gentleman from Illinois knows, one-sixteenth of the area of the entry, whatever it is, and later, one-eighth of the area, whatever it is, and therefore if he increases the area he would have to increase the acreage of cultivation unless he was already cultivating an amount which was equal to one-eighth and the one-sixteenth of 320 acres.

Mr. MANN. This law applies to entries already made, and that law requires, beginning the second year, that he must have one-eighth under cultivation. The gentleman now proposes to reduce that to one-sixteenth.

Mr. MONDELL. The gentleman does not want to state what is not true, I know, and if the gentleman will remember—and I am sorry I have not a copy of the three-year homestead law here——

Mr. MANN. But assuming that it was taken by the homestead law, that did not apply to this additional 160 acres——

Mr. MONDELL. It did apply to it in terms.

Mr. MANN. If the gentleman will ever permit me to make a statement without interrupting until I get through, we will get along better—did not apply to this 160 acres, under the provisions of this act. The gentleman now proposes to make the cultivation of that one-eighth already made a sufficient excuse for a man to take the additional 160 acres, and provide that in cultivation, as in the homestead law, one-sixteenth of the entire amount, which is no more than one-eighth of the original 160 acres, shall be sufficient, so that the purpose of this bill is to grant an additional 160 acres to every homesteader in this region who has not already acquired 320 acres without any additional cultivation.

Mr. MONDELL. Mr. Speaker, if the gentleman will permit me, I will try and state again briefly just what this law does, because I think the gentleman has not the matter clearly in his mind. The only change this makes in the present law is this: That under the present law as interpreted by the department a man making an additional entry can not receive credit for residence and cultivation on his original entry prior to his taking the additional entry, and this bill provides that he may have credit for such residence and cultivation on his original entry both prior and subsequent to the additional entry, but it does not reduce the amount of land that he must cultivate. It does change the period during which, under certain conditions, cultivation would have to be had. In other words, if this bill were not passed, and a man had for two years cultivated enough of a 160-acre homestead to entitle him to a 320-acre homestead, all he would be required to cultivate on a 320-acre homestead, he would get the credit for it, whereas under the present interpretation of the law the cutivation that applies to the additional entry must be for a period subsequent to the taking of the additional entry. That is the only difference.

Mr. FRENCH. And the bill would practically restore the original interpretation of the present law.

Mr. MONDELL. As we understood it—as the committee understood it—at the time, it does not perfectly restore that condition, however, for this reason: Should the entryman make proof on his original entry separate from his additional entry, it does not give him credit for the cultivation he may have had on the original entry, and in that respect it is not as favorable to the entryman, as we understood the bill to be as it originally passed. But if he sees fit to combine his two entries, then it leaves him practically in the position we understood he was in when we passed the other bill. It does not relieve him from any cultivation that he would now be required to make. It does relieve him in some cases from the necessity of a certain amount of cultivation subsequent to the time he takes his additional entry.

Mr. MANN. Does the gentleman deny that this would give a man there now having a homestead entry, of which he has cultivated 10 or 15 acres, the right to an additional 160 acres without compelling him to do anything more?

Mr. MONDELL. I deny that he could get it without cultivating first a one-sixteenth and then a one-eighth of the entire area.

Mr. RAKER. Mr. Speaker, would the gentleman permit an interruption?

Mr. MANN. Not unless he desires to answer the question.

Mr. MONDELL. If he has cultivated a sufficient amount of his original entry to meet the requirements of the law as to the entire 320 acres, that would be true.

Mr. LAFFERTY. That would be 40 acres.

Mr. MANN. No; if he has cultivated 20 acres of his original 160 acres and is ready to take up the homestead under this bill, would he not be entitled to increase it 160 acres more?

Mr. MONDELL. No; because that would not be an eighth of 320 acres.

Mr. MANN. But it does not require an eighth of the entry, whatever it is.

Mr. MONDELL. Yes; of final cultivation. It requires an eighth. That would be 40 acres.

Mr. MANN. Forty acres.

Mr. RAKER. Mr. Speaker, will the gentleman from Illinois permit me to call his attention to the language of the bill that we passed, known as the three-year homestead law:

Provided further, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation.

Mr. MANN. What is the point the gentleman is making?

Mr. RAKER. The law already provides, the law which we passed, the same area of cultivation that is provided for in this bill, one-sixteenth and one-eighth.

Mr. MANN. Yes; but that is not the gist of this bill.

Mr. LAFFERTY. Will the gentleman permit me to answer his question?

Mr. MANN. The purpose of this bill is in the new part, and the new part absolutely eliminates in practice what the gentleman has read.

Mr. LAFFERTY. As I understand it, the gentleman from Illinois figures that under certain circumstances the man who now has a homestead entry might under this bill be permitted on proving up on it to get 160 acres more without doing anything in addition to what he had already done, and it is true that if the present homestead entryman in a dry area had 40 acres cultivated he could add, at the time he made final proof, another 160 acres without doing anything additional in the way of residence or cultivation; but I want to ask the gentleman why that is not fair and right. If a man went there at a time when he could not avail himself of the 320-acre homestead law, in the dry region, and has cultivated an eighth of 320 acres and the law has since been liberalized and there is a vacant 160 acres adjoining his, why should he not have the same right that other people making those entries now have, and why should he not have 320 the same as an entryman now going out into this country? Only in rare instances would the exception which the gentleman from Illinois has suggested apply.

Mr. MANN. This will apply to a great many homestead entries, will it not—quite a few?

Mr. LAFFERTY. Very few.

Mr. MANN. Quite a few where people have already gone on the land under the theory it was not subject to the 320 and have been satisfied with the 160 acres.

Mr. LAFFERTY. No.

Mr. MANN. Then, if there is no demand, why should you have the bill?

Mr. LAFFERTY. The demand comes from many others.

Mr. MONDELL. The rather insistent demand now and the demand which I think we ought to give heed to is largely coming from men who understood that they could prove up on their combined entries and get title, and who under the new ruling, having made their additional entry quite recently, would be required to live on their land three years before they could make final proof.

Mr. MANN. I suppose that will not kill them.

Mr. MONDELL. It affects them very seriously. A good many of such men are affected seriously and will need relief, and the department thinks it ought to be afforded.

Mr. MANN. One would suppose from hearing gentlemen from the so-called public-land States speak on the floor that the only object of men in getting a homestead was to get away from it, whereas plenty of them got homesteads to live upon them.

Mr. MONDELL. A man frequently proves up his homestead as a basis of credit. It is not for the purpose of moving but——

Mr. MANN. What basis of credit would it be to present a man 160 acres if he has already 160 acres that is not worth anything?

Mr. MONDELL. Well, 320 acres of land, even if it is not very good land, is better than 160 acres, which is not large enough in area, if the land is fairly good land, to take care of the man.

Mr. LAFFERTY. I would like to state I have gone into this subject with reference to Oregon and we have in one county over 4,000,000 acres—that is Harney County—of vacant unreserved lands subject to homestead, and we are anxious for people to come and take it, but they do not do it; and it is in reference to such lands that we need this law.

Mr. MANN. Gentlemen often state on the floor that because all the land in the United States has not been occupied that therefore it is not worth anything, and yet you can go around the city of Washington, the Capital of the country, in any direction and find land that is not under cultivation.

Mr. LAFFERTY. We have over 17,000,000 acres in Oregon, over one-fourth of the State, vacant, unreserved, and open to all comers.

Mr. MANN. They have taken up in the last year one-fourth as much as in the last 20 years.

Mr. LAFFERTY. They did not come to Oregon.

Mr. RUCKER of Colorado. Will the gentleman yield for a suggestion? I would like to get back to the first chapter of Genesis upon this proposition.

Mr. MANN. Nobody on that side of the House will be familiar with what you are going to talk about. [Laughter.]

Mr. RUCKER of Colorado. The fact is I do not think my friend MONDELL has put this case before the House just as it is and as it should address itself to your minds. In the first place the addition of 160 acres, the enlarged-homestead act, was passed with a view of allowing a cultivation of 160 acres one year and 160 acres the other year, allowing the cultivation of 160 acres that would otherwise lie fallow. Now, then, that view was taken by the Secretary and it was compromised by reason of the bill that I put in, which required not a cultivation at all of the additional 160 acres or the original 160 acres unless the settler himself concluded it was the best thing for him to do, and he after all was the best judge of that. Now, we provide in my bill that he would put in catch basins, he would dig wells, and put other improvements upon the land in lieu of the cultivation, or, in other words, the plowing up of this land.

Now, I have in my district I think as much, possibly more than any other Member here, of this arid land outside of the district of the gentleman from Wyoming. Of course his land is not worth anything anyhow, and dry farming or any other kind of farming would not do any good up there in Wyoming, but in our section of the country we run across this proposition, that if you plow up this land and undertake to put it in cultivation and you do not pursue that Campbell system of dry cultivation, cultivating the soil every month throughout the year, then you are going to lose all the profits that might come from the land, and so, therefore, there was a compromise in that the land should not be plowed up where the grass was growing unless the settler concluded it was the best thing for him to do, because I know from my own experience that the original grass will not grow for 20 years upon the land when it is once plowed up. So, therefore, the settler under this bill—I think this is an infamous bill in my judgment—would be required to put it in cultivation. Cultivation means plowing up of the soil, and unless you follow it up by the Campbell system of dry farming then you are going to lose the entire usufruct of the land, because the grass will not grow upon that land for 20 years.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill (S. 6354) in relation to Fort McHenry.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.

The bill was read.

Mr. TILSON. Mr. Speaker, the gentleman from Arkansas [Mr. JACOWAY] introduced this bill, and also placed it on the Unanimous Consent Calendar after it had been reported by the Committee on Military Affairs. Mr. JACOWAY, I am informed, is ill and can not be here to-day. I should like to ask unanimous consent that this bill remain on the calendar and be passed without prejudice.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

INCREASE OF PENSIONS TO SURVIVORS OF INDIAN WARS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14053) to increase the pensions of Indian War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the various Indian wars who are now on the pension roll or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, and May 30, 1908, shall be $12 per month.

The SPEAKER pro tempore (Mr. SISSON). Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask if anybody here represents the Committee on Pensions?

Mr. RUCKER of Colorado. I will say, Mr. Speaker, in answer to the question of the gentleman from Illinois, that the gentleman from Alabama [Mr. RICHARDSON] is ill and can not be here. I would like to have this bill passed over, therefore, without prejudice.

Mr. MANN. I would like very much to pass the bill, while reserving the right to object, but I do not believe that the bill ought to be passed fixing the rate of $12 per month. These survivors of the Indian wars are all survivors of wars prior to 1860. We have granted to Mexican War soldiers $30 a month. I do not believe, if we are to amend the law and change it, that it comports with the dignity of the Republic to provide only $12 a month for these old veterans.

Mr. FOSTER. Let me say this: I served four years on the Committee on Pensions, and these survivors were granted $8 a month under the law. It has always been the rule of the committee and the rule of the House that any one of these Indian war survivors getting $8 a month is increased by special act to $16 per month without objection. They were all considered in cases that the committee and the House always passed.

Mr. MANN. Now, I will explain a complication about the bill, if I may, in just a moment. There are three acts of Congress referred to here, putting survivors of Indians wars upon the pension roll at $8 a month in each case. That puts the survivors of Indian wars who served for 30 days, and also their widows, on the roll at $8 per month. They are under the same law, so that the rate fixed in this bill, if enacted into law, would apply both to the survivors of the wars and their widows. I think the survivors ought to have the same rate, or very close to it, that is now granted to Mexican War veterans. This goes back and covers some of the Texas Rangers in the fifties.

If you are going to increase the pensions of these few men, now away on in years, they ought to be increased to a reasonable amount. Whether or not the widow ought to have her pension increased to $30 a month is another question. The widows probably ought not to be increased beyond the amount paid to the widows of Mexican War soldiers.

Mr. HAY. I want to ask the gentleman from Illinois if it is not a fact—as I believe it is—that when a man is granted a pension by special act the Committees on Pensions refuse to increase the amount, and if one of these survivors has been granted a pension by special act at the rate of $8 a month, this bill would not do him any good?

Mr. MANN. This would not do him any good; but under the language of this bill, if an Indian war survivor had obtained a special act for $16 a month——

Mr. HAY. Well, for $8 a month——

Mr. MANN (continuing). This bill would reduce him to $12, because there is not inserted here the usual provision that it shall not operate as a reduction in any case.

Mr. HAY. I know of one case where a man obtained a pension for service in one of these Indian wars under a special act.

Mr. MANN. He probably was not entitled.

Mr. HAY. He got it by special act, and the committee declined to consider any bill for an increase.

Mr. MANN. Well, I will offer an amendment.

Mr. SPARKMAN. Mr. Speaker, I would like to suggest, in connection with what the gentleman from Illinois has said, that he is entirely right. Twelve dollars a month is too small an

amount for the surviving soldiers of those old Florida and other Indian wars.

Mr. MANN. I will say to the gentleman that if consent is given to the consideration of this bill, I have an amendment prepared to strike out "$12" and insert "$30"; and if that comes up I am going to offer the amendment.

Mr. SPARKMAN. I shall certainly support that.

Mr. FITZGERALD. The gentleman proposes to do what?

Mr. MANN. To make the pension $30 a month instead of $12.

Mr. FITZGERALD. Widows as well as veterans?

Mr. MANN. That feature will probably be corrected.

Mr. FITZGERALD. I do not think we ought to legislate on that theory.

Mr. MANN. I think the gentleman is right about that.

Mr. FITZGERALD. If this bill is not correct, it ought to go over. I am not sure that it should not be corrected. But if we are to start the precedent of pensioning widows of wars at $30 a month, the House should have full knowledge of it. I suggest that the bill be passed over.

Mr. SPARKMAN. This does not seem to provide for pensioning widows at all.

Mr. FITZGERALD. It does, it is stated, under the wording of the act.

Mr. MANN. It does provide for the widows.

Mr. FITZGERALD. I think the consideration of this bill had better be deferred. There will be another day for its consideration.

Mr. MANN. I say it applies to widows. The language is "survivors." Maybe it would not apply under the original act. The original act specifically applied to widows. This is "survivors of the Indian wars." Perhaps that would not apply to the widows.

Mr. SPARKMAN. I think the intention of it was to have it apply only to the surviving soldiers of those wars.

Mr. RUCKER of Colorado. That is my understanding about it.

Mr. SPARKMAN. I will say that I have introduced a bill increasing the amount to $24.

Mr. MANN. Why not amend the bill, and say "surviving soldiers" instead of "survivors," at $30 a month? That would cover it.

Mr. WARBURTON. That is good.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out, in line 4, the word "survivors" and insert in lieu thereof the words "surviving soldiers."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "survivors" and inserting the words "surviving soldiers."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 9, the word "twelve" and insert in lieu thereof the word "thirty."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by striking out "twelve" and inserting "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. I ask that the title of the bill be amended.

The SPEAKER. If there be no objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

GREAT NORTHERN RAILWAY CO. BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

The bill was read, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches across the Missouri River at a point suitable to the needs of navigation, to be selected by said company and approved by the Secretary of War, either in the county of McKenzie or Williams, in the State of North Dakota, or the county of Dawson or Valley, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly hereby reserved.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that this bill provides that the location of this bridge shall be selected by the company and approved by the Secretary of War. The general bridge act provides that the company shall submit a map, and so forth, of its proposed location, and that before the bridge can be built it must be approved by the Secretary of War and the Chief of Engineers. It does not seem to me desirable to depart from the requirement that it shall receive the approval both of the Chief of Engineers and of the Secretary of War. I will ask the gentlemen interested in the bill whether they are willing to strike out that provision.

Mr. SIMS. Mr. Speaker, I reported the bill, but I will yield to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, this proposes to permit the construction of a bridge across the Missouri River between Montana and North Dakota. The reason why this bill differs from the ordinary form, as the committee are informed, is that the banks of the river are very high and there was some difficulty in finding the right sort of location along the river. So this sort of latitude was given for the location of the bridge by the company, subject to the approval of the Secretary of War. If the gentleman cares to add the Chief of Engineers, I have no objection.

Mr. MANN. Why not strike out the words "to be selected by said company and approved by the Secretary of War"?

Mr. STEVENS of Minnesota. There will be no objection to that. That leaves it subject to the provisions of the bridge act.

Mr. MANN. That would leave sufficient latitude without making any change in the usual form.

Mr. STEVENS of Minnesota. Certainly; there is no objection to that.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, MOLINE, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Moline-Bettendorf Bridge Co., an Illinois corporation, be, and it is hereby, authorized to construct, maintain, and operate a railroad and wagon bridge across the Mississippi River at a point suitable to the interests of navigation, from a point east of Twenty-third Street, in the city of Moline, in the county of Rock Island and State of Illinois, to the town of Bettendorf, Iowa: *Provided*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER. I should like to ask the gentleman to what use this bridge is to be put. I see it is to be constructed by a bridge company, and the words "a railroad and wagon" are stricken out.

Mr. COVINGTON. At the time this bill was before the committee the gentleman's colleague [Mr. ESCH] looked into the matter and reported upon it. I presume it is to be an ordinary bridge, to be used for the traffic between one county and another. The gentleman from Illinois [Mr. MCKINNEY] is the author of the bill, and can no doubt state precisely what use is to be made of the bridge.

Mr. MCKINNEY. I will say in reply to the inquiry of the gentleman from Wisconsin that after being drawn in its original form the bill was changed by certain amendments proposed by the committee, which make it comply with the general bridge bill for bridges over navigable streams. The purpose is to

have a wagon bridge and also a railroad bridge. It is to serve the purposes of those two communities. The bridge company is not a foreign company at all, but is composed of citizens of the two communities.

Mr. COOPER. Is the company to charge tolls?

Mr. STEVENS of Minnesota. They would have a right to do so under the general law.

Mr. McKINNEY. The project would not pay at all if they did not.

Mr. COVINGTON. If the gentleman from Illinois [Mr. McKINNEY] will permit me, I will state to the gentleman from Wisconsin that the general bridge act in existence to-day provides ample safeguards, even in the matter of fixing tolls.

Mr. COOPER. Moline is a city. Is Bettendorf the name of a private individual?

Mr. McKINNEY. It is the name of a place.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the words "a railroad and wagon."

Mr. MANN. The word "a" should not be stricken out. That should remain in the bill, and therefore should be eliminated from the amendment proposing to strike out.

The SPEAKER. If there be no objection, the modification suggested by the gentleman from Illinois will be agreed to. The question is on the amendment as modified.

There was no objection. The amendment as modified was agreed to.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out in line 9, after word "Iowa," the words "*Provided*, That the bridge shall be built."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 2, after the word "six," in line 2, strike out the words: "*Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

Mr. COVINGTON. Mr. Speaker, there is an amendment to the title.

By unanimous consent, the title was amended to read: "To authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa."

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUBPORT OF ENTRY AT PORT BOLIVAR, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas.

Mr. GREGG of Texas. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the limits of the port of entry of Galveston, Tex., be, and the same are hereby, extended to include Port Bolivar, in that State.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State."

EXCHANGE OF LANDS WITHIN INDIAN, MILITARY, AND NATIONAL FOREST RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, or national forest or other reservation, and for other purposes.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, I hope the gentleman from Illinois will withhold that objection. I would like to ask unanimous consent to address the House for 10 minutes on this bill.

Mr. MANN. Mr. Speaker, I think in view of the fact that this bill and one like it has been on the calendar for three months, and the gentleman has been heard upon it frequently, and the fact that we have a large calendar to-day to get through with, I must object.

The SPEAKER. Does the gentleman adhere to his objection?

Mr. MANN. I do.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on this bill that the gentleman objects to.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for 10 minutes.

Mr. MANN. Reserving the right to object, I will say to the gentleman that I will be glad to cooperate with him and get unanimous consent for him to address the House for 10 minutes or 20 minutes at any other time, but there is a long list of bills yet to be disposed of, and I feel constrained to object.

TERMS OF COURT AT TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 4838) to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark."

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that heretofore I have not objected to any bills on the Calendar for Unanimous Consent. I have tried to give consideration to other Members of this House. The bill that was just objected to—I hate to say it, but I can not help but believe that it was because of some personal matter. If there is anyone from the West wants to object, let him do it. We will then know who it is, and can then obtain his reasons for such objections and it may be obviated by proper amendment. That bill has been gone into by the Public Lands Committee on two public hearings, testimony was taken and published, parties interested were heard and given an opportunity to be heard.

Mr. MANN. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Speaker, that the gentleman from California is not discussing anything before the House.

Mr. RAKER. I want to say, Mr. Speaker, before the Chair rules, that if the gentleman intends to drive all the rest of the bills from the calendar to-day he can do so. I have sat here patiently for two months——

The SPEAKER. The point of order is well taken. The Chair will state to the gentleman from California that no Member is obliged to give his reasons for objecting to any bill. It may be for personal pique; it may be for the public interest; it may be for one thing or it may be for another; but he does not have to state his reasons.

Mr. RAKER. Mr. Speaker, I do not want to transgress the rules, but I believe that I ought to be able to state to the House the further fact——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

STATUS OF ARMY OFFICERS IN AVIATION SERVICE, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17256) to fix the status of officers in the Army detailed for aviation duty, and to increase the efficiency of the aviation service.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage and approval of this act the pay and allowances as are now or may be hereafter fixed by law for officers of the Regular Army shall be doubled for such officers as are now or may be hereafter detailed by the Secretary of War on

aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed, as provided in section 1: *Provided further*, That no more than 30 officers shall be detailed to the aviation service.

SEC. 2. That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided*, That nothing in this act shall be construed to increase the total number of officers now in the Regular Army.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia whether he considers it necessary in order to provide sufficient officers for purposes of aviation to double both the pay and the allowance?

Mr. HAY. I do. I do not know of any branch of the military service which is more important than military aviation.

Mr. MANN. I have been trying to urge that idea upon the House for some years, and I am glad the gentleman has come to agree with me.

Mr. HAY. I can assure the gentleman that it has been urged successfully upon me, and I have given this matter a great deal of consideration. I am satisfied that if aviation progresses in the same way for the next five years that it has done in the last five years a great many problems of war which now confront us will be solved, and solved in the interest of peace. Therefore, I am anxious, so far as I can, to do all that is possible for that service in this country.

Mr. MANN. Mr. Speaker, I fully agree with the gentleman about that.

Mr. HAY. As to the compensation of these gentlemen who are engaged in it, I will state that they are unable to obtain accident insurance as well as life insurance. They take their lives in their hands every time they go up into the air. If anything happens to the engine of the machine they are liable to be killed instantly. These men, it is true, are volunteers. The department does not compel anyone to engage in this service. They are volunteers, and in justice to their families—and some of them are married and others have people dependent upon them—I think they should receive extra compensation. They should not engage in this work unless they receive extra compensation. I do not believe that the compensation provided in this bill is more than it ought to be.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. HUMPHREYS of Mississippi. Under the law as it exists now is there any bounty or pension paid to the widows and dependent children of officers who are killed by accidents in these aeroplanes?

Mr. HAY. Under the law the widow and dependent children of any officer who dies in the discharge of his duty are entitled to a pension, but it is small.

Mr. HUMPHREYS of Mississippi. How much?

Mr. HAY. I think the widow of a captain gets $30 a month.

Mr. MANN. It depends upon the rank.

Mr. HAY. And a major $40. None of them gets over $50 a month. I think a brigadier general's widow gets only $50 a month.

Mr. HUMPHREYS of Mississippi. And that same pension goes to the widows of men who are killed, without regard to the manner in which they meet their death?

Mr. HAY. Yes; killed in the line of duty.

Mr. HUMPHREYS of Mississippi. It is only when killed in line of duty that they are entitled to a pension?

Mr. HAY. Only when killed in line of duty. If they are out of the service and they are killed by accident when they are not performing military duty, as I understand it, they are not entitled to a pension.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FITZGERALD. Has the gentleman considered the propriety of limiting the operation of this law to five years? I agree with the gentleman that at this time there are conditions which I think appeal to everyone, but the feeling is that within a few years the science of aviation will be a comparatively safe one, when we realize the great advance that has been made for it in the last few years; and if it is developed to a point where it becomes safe, I doubt whether there should be this distinction. It occurred to me that perhaps if this law were enacted to last during a period of, say, five years, it would be wise. If in that time the improvements were such as to make the science safe, then this extra compensation should not be given.

Mr. HAY. I have no objection to putting a limitation upon the time.

Mr. FITZGERALD. I make that suggestion to the gentleman.

Mr. HAY. I have no objection to that, and I will offer it as an amendment, if the gentleman will suggest it.

Mr. TILSON. Mr. Speaker, what is the gentleman's proposition?

Mr. HAY. To limit the provisions of the bill to five years.

Mr. TILSON. So that each officer who goes into it will understand that at the end of that period——

Mr. FITZGERALD. No; that during the next five years this law shall apply.

Mr. HAY. Yes; and if, as the gentleman seems to think, aviation becomes much safer, then it will not apply after that time.

Mr. TILSON. And we all hope it will become much safer.

Mr. HAY. It will not be necessary then to pay them as much, and the law can be extended if it does not become any safer.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I understand the chairman of the committee desires to offer an amendment limiting the time, and after that I desire to offer some amendments.

Mr. HAY. Mr. Speaker, I move to amend the bill in line 3, after the word "that," by inserting the words "for five years."

The Clerk read as follows:

Amend, page 1, line 3, by inserting after the word "that" the words "for five years."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I offer the amendments which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Army," page 1, line 5, insert "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, I reserve a point of order upon that amendment.

Mr. ROBERTS of Massachusetts. What is the objection?

Mr. MANN. What is the reason for it? It is limited to five years—I will withdraw the point of order.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After the word "War," page 1, line 7, insert the words "or the Secretary of the Navy."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 2, after the word "officers," insert the words "of each service."

Mr. MANN. Just a moment. Will that amendment include 30 for the Army, 30 for the Navy, and 30 for the Marine Corps?

Mr. ROBERTS of Massachusetts. That is the purpose.

Mr. MANN. Does the gentleman wish to have 60 in the Navy?

Mr. ROBERTS of Massachusetts. I will say at the present there are no officers of the Marine Corps detailed to aviation work, and the developments of the future may be such that it may be thought advisable to put that branch of the service on the Marine Corps.

Mr. MANN. I think it will be time enough to wait some time before we provide 30 officers for that service.

Mr. HAY. I would suggest to the gentleman from Massachusetts that he make it 30 officers for the Army and Navy.

Mr. ROBERTS of Massachusetts. That is agreeable, as long as I get the Marine Corps in.

Mr. MANN. The Marine Corps would be included in the term "Navy."

Mr. ROBERTS of Massachusetts. Then, change the amendment so it will say "not more than 30 officers of the Army and 30 officers of the Navy and Marine Corps."

The Clerk read as follows:

Insert, after the word "officers," line 2, page 2, the words "of the Army and 30 officers of the Navy."

Mr. HAY. I understand the amendment of the gentleman from Massachusetts provides there can be 30 officers of the Navy and Marine Corps combined, and not of each.

Mr. ROBERTS of Massachusetts. That is the idea.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 11, after the word "Army," add the words "Navy or Marine Corps."

Mr. ROBERTS of Massachusetts. I will say that provision is for the purpose of providing there shall be no increase of the officers in the service by reason of aviation.

The question was taken, and the amendment was agreed to.

Mr. HAY. I suggest an amendment, page 2, line 1, to strike out the words "in section 1" and insert the word "herein."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "in section 1" and insert the word "herein."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "To fix the status of officers of the Army, Navy, and Marine Corps detailed for aviation duty, and to increase the efficiency of the aviation service."

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

During the consideration of the above bill,

EXCHANGE OF LANDS WITHIN FOREST RESERVATIONS.

Mr. RAKER. Mr. Speaker, I would like to have unanimous consent to address the House for two minutes. I began a statement which I do not like to leave uncompleted.

Mr. MANN. Does the gentleman from California feel that he can relieve his mind in two minutes?

Mr. RAKER. I think I can get relief by continuing. [Laughter.]

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, so as to be sure.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from California [Mr. RAKER] be allowed to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the original bill, H. R. 25738, that was objected to a few moments ago, is a copy with two important amendments upon it of a bill which was considered by the Committee on the Public Lands, as I stated, and after public hearings and after due consideration by the committee at least at three sessions the bill was favorably reported, and when this bill 25738 was introduced it was again considered by the Committee on the Public Lands and reported favorably by that committee, and unanimously at that.

The same bill was introduced in the Senate by Senator PERKINS, hearing was had before the Committee on Public Lands, and that committee unanimously reported the bill with slight amendments, which we agreed to.

The California delegation, composed of Senators and Members of the House, met in conference upon the bill and agreed upon it. They informed me that there was no objection to this bill, because it relates to over 500,000 acres of land in California, where the people have been in doubt as to their titles from two to twenty-five years. The State is losing in taxes by virtue of the nonsettlement of the matter. It has gone to the Attorney General of the United States, to the Secretary of the Interior, and the legal officers, both Mr. Clemens and Mr. Cobb. It has gone before the attorney general of the State of California and the surveyor general, and they were on here for at least six weeks in regard to it. This matter was gone into by the Department of the Interior, the State surveyor general, and the attorney general of California last year; the governor of the State of California made it a part of the call for the special extra session of the legislature, which unanimously passed the legislation and asked that it be carried out by Congress.

Now if there is any reason for it, and I ask the gentleman to state what his reason is, if the delegation from California, both Senators and Members of the House and Members of the West are in favor of it, there can be no damage done to anybody. It is necessary for the State of California to settle the land titles and should become a law. It is for the interest of the State, and it seems to me there ought to be some valid reason why such necessary legislation should not be enacted. The entire State is interested in the matter. Over 500,000 acres of land, as I have stated, is affected by the legislation. No title can be had until legislation is provided by Congress, as the attorney general for the State of California says, and also the surveyor general, by this appropriate legislation. I have been persistent in the matter. I have given every consideration to it that could be given, and I have hoped and asked the gentleman to withdraw his objection, and that the bill might be passed, the Senate Committee on Public Lands having gone into it, the House Committee on the Public Lands having gone into it, and a thorough investigation having been made, it ought to be permitted to be heard by the House. It is only giving us an opportunity to straighten the title, to clear up a condition that has been in existence for 30 years, and is now acute. I feel, in justice to myself and in justice to the gentleman's objection to the bill, that I ought to explain this to the House, and I believe if the gentleman understood the features of the bill, the reason for it and the matters that have been heard, he would offer no objection to the bill being considered by the House at the present time.

Mr. MANN. Mr. Speaker, if I did not understand the bill I should not have objected.

COMPILATION OF REVOLUTIONARY WAR RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary War.

SEC. 2. That all such records in the possession or custody of any official of the United States shall be transferred, the military records to the War Department and the naval records to the Navy Department.

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, $50,000 for the War Department and $10,000 for the Navy Department: *Provided further*, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. PAGE. Mr. Speaker, I hope that the gentleman will merely reserve the right and not object. The matter of gathering these records of the Revolutionary War has, in the judgment of a great many people and my own judgment, been too long delayed. There has been legislation previous to this time upon the subject, but not the sufficient authority to enable the work to be done. Scattered through the original 13 States, the most of them in State departments and historical societies and other places, are a great many records of our first war. It seems to me that they ought to be gathered together and placed as a matter of record in the department here. This bill has passed the Senate, passed the Committee on Military Affairs of the House, has the approval of patriotic organizations of the country who are interested in the preservation of these records. The Congress has authorized the gathering of records of practically every other war in which our people have been engaged. They have been gathered, and it seems to me that this bill ought to pass, and I hope that the gentleman will not object to its consideration.

Mr. MANN. I will say to the gentleman that I am very heartily in favor of gathering together the military and naval records of the Revolutionary War. This bill provides for that and then appropriates a certain sum of money out of the Treasury. Does the gentleman anticipate that the money herein appropriated is sufficient to do the work required, or is this only a preliminary appropriation with no limit of cost?

Mr. PAGE. The gentleman confesses that he has no opinion upon that subject but is taking the action of the committee which investigated the matter and that of the department. I believe the department made no recommendation as to the amount of the appropriation, but I am sure I am expressing the opinion——

Mr. MANN. Then I can give the gentleman a little information upon the subject. The original bill carried $10,000, and the bill as reported carries only $7,000 for this work in the Navy Department. The Secretary of the Navy stated:

It is estimated that for selection, copying, compiling, and preparing the two volumes for the printer the cost would be $20,000, with an additional $10,000 for printing the first 1,000 of the two.

That is $20,000 for preparation.

Mr. HAY. I would like to call the gentleman's attention to the fact that this bill does not propose to compile anything for the purpose of being printed, but it proposes to collect this material and place the material in this department. I will state to the gentleman that those interested in the bill who appeared before the committee stated that the sum which the House committee recommended to be appropriated would be sufficient; but if it is not sufficient I submit to the gentleman that it would be sufficient for a year or two.

Mr. MANN. Now, I will submit to the gentleman this proposition and see if he will not agree to it: In the first place, the

departments have both estimated that it will cost more to do this work than the amount appropriated, even if they do not buy any of these records.

Mr. HAY. There is no authority given them to buy.

Mr. MANN. Oh, but there is. The authority to collect records is authority to buy them. The bill provides:

The Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War.

Now, if you will put a limitation of cost in, so that the Secretary will not purchase the records which somebody wants to sell——

Mr. PAGE. The last proviso of the bill says:

That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

Mr. MANN. Well, there may be some other places.

Mr. HAY. I do not know where they could be.

Mr. PAGE. Could the gentleman suggest some other place?

Mr. MANN. Yes. There are plenty of other places besides the hands of private owners and public depositories. They might belong to a municipality or to a State. That would not necessarily be in a public depository.

Mr. PAGE. Does not the gentleman think that if they belong to the States the States would very gladly cooperate with the National Government, without selling them, or without cost?

Mr. MANN. I do not know whether they would or not. It seems to me there ought to be some limitation of cost inserted here.

Mr. HAY. What limitation of cost would the gentleman suggest?

Mr. PAGE. I have no objection, if the gentleman favoring the proposition will mention a sum which he thinks will cover the cost.

Mr. HAY. The House committee reduced the appropriation, as the gentleman sees.

Mr. MANN. Well, I see, and thereby I was led to believe that this was not intended as a limitation upon the cost.

Mr. HAY. Well, I think so. The gentlemen who appeared before us were gentlemen belonging, one of them, to the Society of the Cincinnati, and others to other patriotic societies; and we gathered from them that the amount recommended to be appropriated by the House committee would be sufficient. But if the gentleman thinks that it is necessary to put a limitation upon it, and to make that limitation the sum carried in the bill, I shall be very glad to accept it.

Mr. McCALL. Mr. Speaker, I trust the gentleman will accept the suggestion of the gentleman from Virginia. These records are scattered, and a good many of them are liable to perish. Of course, the gentleman recognizes the fact that the object of this bill is to preserve those records. Now, to protect us against extravagance, it might be well to impose a limitation, but I trust the gentleman from Illinois [Mr. MANN] will not object to the bill.

Mr. MANN. Oh, I have stated that I was very heartily in favor of the proposition in the bill. The gentleman from Massachusetts and myself and various others have been around here long enough to know that when you are dealing with somebody with an unlimited appropriation you do not always meet with that same kind of feeling that you do when there is a limitation upon the expenditure.

Mr. PAGE. We are waiting upon the gentleman from Illinois [Mr. MANN] for a suggestion as to the limitation.

Mr. MANN. I suggest that these words be inserted on page 1, line 4, after the word "publication": "within the limits of the appropriation herein provided."

Mr. PAGE. That is acceptable, so far as I am concerned.

Mr. CANNON. After all is said and done, why not strike out all the appropriation and be content, if the act must pass, with perfecting the act, and let the appropriations for this purpose be made as they are for other branches of the public service?

Mr. MANN. That would be no limitation upon the amount that could be expended.

Mr. CANNON. Well, I am not much in favor of the bill. I recollect very well—to show how these ancient records that our fathers did not gather together are preserved—it is, I believe, 121 years ago, is it not, that the records of the First Census were gathered?

Mr. PAGE. Yes; but the gentleman will recollect that these records are already gathered. This is not intended to gather records. It is to get records that are already in the hands of certain people.

Mr. CANNON. Very well. I want to call the gentleman's attention to the fact that records are accumulating very fast. Many years ago the Committee on Appropriations reported a provision to destroy, as old junk, the census returns, the returns of the First Census, and, perhaps, some other returns—all the papers connected with those returns. People rose up all over the country against it. We found out, upon inquiry, according to my recollection, that from fifteen to twenty thousand dollars had to be paid as rent for the building in which these records were stored, and we found a salary roll of from $12,000 to $15,000, if my recollection serves me, required to take care of those returns. But there was a unanimous or a very well concerted effort that defeated that legislation. When we came to get the remonstrances against it, they seemed to arise principally from the great desire of people to trace descent from those people who lived when the First Census was taken.

Those returns are there yet and are still increasing. Unless the legislation has escaped my attention, every paper of every kind of the 90,000,000 of people in the United States—all the returns—are all to be kept, so that it is the greatest lot of old junk, so far as the census is concerned, that serves no useful purpose in the world. I do not know—I have great respect for those who want to trace their descent from the people who served in the Revolution; but, after all, what other object is there in this?

Mr. MANN. I am sure my colleague does not want to resist the blandishments of the Daughters of the Revolution. [Laughter.]

Mr. CANNON. Oh, the Daughters of the Revolution are well established, but this is an effort——

Mr. MANN. They will be better established when these records are gathered.

Mr. CANNON. This is an effort to make more Daughters of the Revolution. [Laughter.]

Mr. SLAYDEN. The gentleman does not want to discourage that? [Laughter.]

Mr. PAGE. This is not to encourage an effort to trace descent. It is an effort to put on record, for the benefit of this generation and succeeding generations, the patriotic services of our forefathers contained in records which are now in such a condition that you can not trace them.

Mr. CANNON. How about the War of 1812? How about the Indian wars, and so on, and so on? I want to suggest only one thing for the consideration of the gentleman. Do not the pension rolls show fairly well the names of those who served in the Revolutionary War?

Mr. PAGE. Well, if the gentleman will allow me, I may say that they are by no means complete, for the reason that their patriotism, possibly, ran naturally higher in our early history than in recent years, and a great many of the men who then served their country eminently never succeeded in getting on the pension roll.

Mr. CANNON. I understand that quite well, and I had occasion at one time to examine into that matter; and the legislation of Congress shows that there was more of opposition, from the legislative standpoint, to pensions for the soldiers of the Revolution than there has been since, and on more than one occasion the pension laws that were passed were repealed; so that, after all, the gentleman is only measurably correct. I commend to the gentleman the history, and he can get it by calling on the Commissioner of Pensions.

Now, if the gentleman from North Carolina [Mr. PAGE] will allow me, I think I ought to insist on this bill being matured and on striking out the appropriation, and let Congress from time to time determine what the size of the divisions is to be in the Navy Department and in the War Department.

Mr. PAGE. If the gentleman will allow me, since we have agreed to accept the limitation suggested by the gentleman's colleague [Mr. MANN], if it is the Treasury that the gentleman is now guarding, I think if he will allow the bill to pass, carrying this appropriation without limitation, it will require very much less money to accomplish this purpose than it will to carry out the purpose that he has suggested. I hope he will not do that.

Mr. MANN. There should be no further appropriation.

Mr. CANNON. Oh, a further appropriation would be in order.

Mr. PAGE. Not for this purpose, under the amendment suggested by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. FITZGERALD. Does the gentleman remember that some years ago the State Department had some scheme similar to this before the Committee on Appropriations?

Mr. CANNON. It seems to me I have a dim recollection, but I do not recollect particularly about it.

Mr. FITZGERALD. I think for the present I shall object until we have some estimate of the probable cost of the clerical force for this work.

Mr. HAY. In the nature of things there could not be any such estimate, could there?

Mr. FITZGERALD. For the last 15 years we have been appropriating for the force engaged in the collection of the naval records of the Civil War, which appropriation is carried on the legislative bill. We specifically appropriate for the services of the persons employed. During a period of 20 years Congress provided for the collection of the military records of the Civil War; and before we undertake this work, not only should there be some accurate and definite information as to the extent of it and how long it will take, but, in my opinion, the legislation should be so guarded that the departments will not use this money to pay unnecessary compensation.

Mr. MANN. Does not the gentleman think that if we put in the limitation which was suggested here, so that the first part of the bill would read:

That within the limits of the appropriation herein made the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War—

And so forth, that would be a sufficient limitation?

Mr. FITZGERALD. There is no certainty that it could be accomplished, and it would be useless to authorize work to be done within a certain sum unless there was some possibility of it being done. I have very grave doubt—and I think every gentleman here has grave doubt—that $7,000 will be sufficient to enable the Navy Department to collect the naval records of the War of the Revolution and put them in shape for publication.

Mr. HAY. Does the gentleman know the character of the work to be done under this bill? Has the gentleman examined the subject, and does he know what sort of records are to be collected?

Mr. FITZGERALD. The information I have on the subject is gathered very largely from the committee report on the bill.

Mr. HAY. If the gentleman has read the report on this bill, he knows that these records are scattered over the entire country.

Mr. FITZGERALD. I understand that.

Mr. HAY. They are not like the records of the Civil War, which were all here, or brought here from where they were and copied here. These are in the different States, scattered throughout the whole country, and it is impossible——

Mr. FITZGERALD. I think it would be much more expensive on that account.

Mr. HAY. Certainly it would be more expensive, and therefore it is impossible to make an estimate with regard to the expense.

Mr. FITZGERALD. If it be necessary to send persons throughout the 13 original States, and to other places where there are records in public libraries and private collections, for the purpose of collating and copying them, the extent of the work, in my opinion, will be such that I doubt the advisability of authorizing it at this time.

Mr. HAY. Perhaps we can find some other way.

Mr. FITZGERALD. It should be deferred, and for the present I object.

The SPEAKER. The gentleman from New York objects.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within Glacier National Park, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 17, 1911, ceding to the United States exclusive jurisdiction over the territory embraced within the Glacier National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

SEC. 2. That said park shall constitute a part of the United States judicial district of Montana, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, receiving for transportation any of said animals, birds, or fish so killed, caught, or taken, shall be deemed guilty of a misdemeanor and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $100 and be adjudged to pay all costs of the proceedings.

SEC. 7. That any United States commissioner duly appointed by the United States court for the district of Montana and residing in said district shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this act or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act. That any such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the violation of this act or of the rules and regulations made by the Secretary of the Interior, as aforesaid, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of $100, and to try the person thus charged and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of any such commissioner to the United States district court for the district of Montana. The said United States district court shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals.

SEC. 8. That any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 6 of this act, to hear the evidence introduced, and, if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 9. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or this act, or the regulations prescribed by said Secretary as aforesaid.

SEC. 10. That such commissioner and the marshal of the United States and his deputies in the district of Montana shall be paid the same fees and compensation as are now provided by law for like services in said district.

SEC. 11. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 12. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the district of Montana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a brief statement concerning the bill, and will then yield to the gentleman from Montana [Mr. PRAY] to make a further explanation of its provisions.

The act of May 11, 1910, set aside a large tract of land on the public domain, consisting of about 1,300 square miles in the State of Montana, to be known as the Glacier National Park.

Subsequently the Legislature of the State of Montana passed an act ceding jurisdiction to the United States Government, and this bill is to accept the jurisdiction over the national park so created.

I am in receipt of a letter from the Secretary of the Interior stating that it is very desirable that the bill pass, for the reason that it is necessary in order to protect the park property from depredations that are now being committed there.

The form of the bill was worked out by the subcommittee during my absence, but it is thought that it is well and carefully safeguarded, and some features of it are designed to improve the administrative character of this bill. I now yield to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Speaker, I will say, by way of supplementing what has already been stated by the chairman of the Committee on the Public Lands [Mr. ROBINSON], that the Secretary of the Interior is exceedingly anxious to have this bill passed at the earliest possible moment in order that he may have full control of this park and be able to protect the property of the Government and animal life in the park. The season is now open and the Secretary is without adequate authority to act. Although the park was not established until the spring of 1910, over 4,000 people visited there during the season of 1911. It has become one of the most celebrated parks in the world, and thousands of people will view its glaciers and lofty mountains during the present summer. This wonderful region contains over 60 glaciers, 200 mountain lakes, and every kind of fish and game known in that latitude. The bill before the House is based very largely upon the act of May 27, 1894, for the protection of birds and animals in the Yellowstone National Park. It has been carefully examined at the Department of Justice and also by officials at the Interior Department. The Public Lands Committee scrutinized the bill and amended it in some particulars. The amendments proposed by both departments were substantially adopted by the committee.

Mr. MANN. Will the gentleman yield for a question?

Mr. PRAY. Certainly.

Mr. MANN. Has the Secretary of the Interior been over this bill and recommended its passage?

Mr. PRAY. The Secretary has examined the bill and the Attorney General has also examined it, and the recommendations of both departments have been complied with in so far as it seemed practicable to do so.

Mr. RAKER. The gentleman will find that statement on pages 4, 5, and 6 of the report.

Mr. MANN. I have read it. I would like to know whether the Secretary of the Interior or the gentleman from Montana thinks it is permissible to do as is proposed by this bill in section 4—make one penalty for the interference with the protection of property in the park—and then in section 6 make an entirely different penalty for the same act; whether the Interior Department and the gentleman from Montana believe that in the same law you can provide in two different sections different penalties for the same act?

Then I would like to further inquire if, in the opinion of the gentleman, under the Constitution we have the power to provide that a man shall be tried for a felony by the commissioner of the court and sentenced to the penitentiary.

Mr. PRAY. Has the gentleman read the recommendations of the Department of Justice covering these features?

Mr. MANN. I have read the report and I have read the bill.

Mr. PRAY. I do not see anything in the bill providing for two different punishments for the same offense.

Mr. ROBINSON. The offenses referred to in section 4 and in section 6 are of a different character. That in section 6 relates exclusively to damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, and so forth.

Mr. MANN. Let us see whether that is the case. I will read from section 4:

> Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, * * * natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor—

And so forth. Then, in section 6, it is provided:

> That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, * * * natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and upon conviction—

Both precisely leveled against the same act relating to natural curiosities, and that is what the park consists mainly of. In one place one penalty; in another place another penalty for precisely the same act. I do not know; it may be that you can do that under the Constitution. With my limited knowledge of the Constitution, I had supposed you could not punish a man twice for the same offense.

Mr. PRAY. Even admitting that the contention of the gentleman is correct, it would be a very simple matter to strike out the penalty in one section and refer to the other. I do not think the sections are the same by any means, except perhaps in a few minor respects. They relate to many different subjects. If the House should agree with the gentleman, the change can be easily made.

Mr. MANN. I can explain very easily how it came about. The bill is made up of sections taken from the Yellowstone act and sections from the Hot Springs act. Both these acts attempt to cover the offenses described, so the gentleman, in order to make assurance doubly sure, included the section covering the Hot Springs act and then put in the same section of the Yellowstone act.

Mr. PRAY. It is based on the two acts, and it was reviewed by both departments after it was introduced. I think if the gentleman should try to put both sections together that he would have to take nearly everything now contained in the two sections in order properly to cover the ground. Of course there is no opportunity to make a fair comparison of the two sections, while the right to object is reserved. If no objection is made to the consideration of the bill, both sections can be examined, and if it is the judgment of the House that two different penalties are prescribed for the same offense, it will be a very simple matter to strike out one and retain the other. If any penalty in the bill does not meet with approval of Members, it can be modified. The Yellowstone Park and Hot Springs laws have been on the statute books for many years, and I have heard no complaints about them. This bill is based upon those acts, and follows the recommendations of both departments of the Government.

Mr. MANN. It would be like two special acts to protect one place. One is punished here with one offense and another there with another offense, and you combine them in one bill and attempt to make two offenses in the same act.

Mr. SISSON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SISSON. I want to ask the gentleman from Illinois this question: On page 7 it authorizes the commissioner to try certain cases. Is there any provision here that the offender shall be tried by a jury?

Mr. MANN. Not at all. This bill and the Yellowstone act authorizes the commissioner to declare a man guilty of a felony and put him in the penitentiary. I do not know that anybody has ever done it, and I do not know that anybody would go to the penitentiary. Of course, it is plainly outside of the power of Congress to enact any such legislation.

Mr. ROBINSON. Mr. Speaker, referring to section 4, the Secretary is empowered to make rules and regulations for the proper control of the park and prescribe penalties for violations. Section 6 makes it unlawful to commit the trespasses and acts referred to there, and I still suggest that a careful reading of the sections discloses the fact that the two sections seek to accomplish different purposes.

Mr. MANN. Take a practical case. Suppose a man goes into the park, takes his ax, and commits waste against one of the natural curiosities. He can be punished under section 4, can he not?

Mr. ROBINSON. I am not sure whether he can or not.

Mr. MANN. It says that he can.

Mr. ROBINSON. Section 4 relates to the rules and regulations. It is doubtful whether you can make a crime of the violation of a rule or regulation of the Secretary of the Interior, but section 6 makes the act itself unlawful, and it is unquestionably true that you can punish for that violation.

Mr. MANN. Section 4 relates to the violation of the regulations and also to violating any of the provisions of this act. You put one penalty in one place for the violation of the provisions of this act, and you took it out of the Hot Springs act; and then you go over and fix another penalty in another place because you took it out of the Yellowstone act. Does the gentleman from Arkansas believe that if a man commits an act which is a violation of the provisions of the act and also a violation of the regulations of the Secretary of the Interior that he can be punished twice for that one act?

Mr. ROBINSON. No.

Mr. CARLIN. You could if it was not the same offense.

Mr. MANN. You might if it was two different jurisdictions.

Mr. ROBINSON. You may give the Secretary of the Interior the power to make rules and regulations for the control of the park or the property. You may not give to the Secretary the power to make regulations to punish citizens for violation of the regulations. You can make the act itself a violation of the law, as it is done in section 6, and perhaps you can thus catch him "going and coming."

Mr. MANN. Under section 4 you can put a man in the penitentiary for two years for violating the regulations, and under section 6 you can imprison him for one year for violating the law under your contention. Which is the worst? It may be that you can take him both ways.

Mr. ROBINSON. Mr. Speaker, the offense under section 4 is defined as a misdemeanor. It may be true that the punishment is disproportionate to the character of the offense, but still I submit to the gentleman from Illinois that that is no valid objection to the consideration of the bill.

Mr. MANN. I am not going to object to the consideration of the bill or its passage. I asked preliminarily whether the Secretary of the Interior or the Interior Department had approved this bill, and whether the gentleman had, because it violates the Constitution in a number of different particulars.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, did the chairman of the committee, when drafting this bill, consider the proposition of vesting the commissioner with the power of trying a man without a jury?

Mr. ROBINSON. Yes. That is done in all cases of that sort. An appeal is provided to the district court of the district in which the park is situated. That question has been gone through with in relation to the Hot Springs Reservation and the Yellowstone National Park, and I want to suggest to the gentleman that it is not desirable that trial by jury be had in the first instance in these cases of misdemeanor, so long as the right of trial by jury is preserved on appeal. It will gravely interfere with the administrative features of the bill to require a trial by jury before the commissioner.

Mr. SISSON. Would it not be infinitely better to invest the commissioner with the right to bind the man over rather than to give him the right to try the man, and thus have the man twice placed in jeopardy, once before the commissioner and then again before another judge and jury?

Mr. ROBINSON. No; I do not think it would be better.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. SISSON. I object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

HISTORICAL PAGEANT, PHILADELPHIA, PA.

The next business on the Calendar for Unanimous Consent was House joint resolution 333, to authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan to the historical pageant committee of Philadelphia, Pa., for use in the ceremonies pertaining to the celebration of the one hundred and twenty-fifth anniversary of the framing of the Constitution of the United States, not to exceed 2,000 obsolete Springfield rifles, caliber .45, and such number of obsolete swords or sabers as may be desired and are on hand and available: *Provided*, That prior to the issue of these articles the committee shall execute a good and sufficient bond in such sum as may be fixed by the Secretary of War, guaranteeing the safe return of the articles to the Government arsenal from which originally issued, and guaranteeing the payment of the value of all articles not returned and the cost of repairs, if any be required, to such articles as may be damaged: *Provided further*, That this issue shall be made without any expense to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the resolution was passed was laid on the table.

PUBLIC BUILDING, OLYMPIA, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to $150,000.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, the original estimate was $92,700, it seems. Who has charge of the bill?

Mr. WARBURTON. Mr. Speaker, I presume I have charge of it. It is in my district, although it is not my bill. I know this, that there have been three unsuccessful attempts to let a contract for the construction of a building at Olympia, which is the State capital, and they have been unable to secure a bid that would enable them to construct a fireproof building. Nevertheless the contract was let to construct a building of ordinary stone construction, and not fireproof. The department is anxious that the building be fireproof. It is utterly impossible to construct it unless this appropriation is made. The contract has been let, and I understand the work has been begun on the basement of the building.

Mr. SISSON. The original bill provided for $30,000, did it not?

Mr. WARBURTON. One hundred and twenty thousand dollars, and this proposes to increase the amount $30,000.

Mr. SISSON. The original estimate was $110,000?

Mr. WARBURTON. I think that included the ground. I think the amount available was $100,000.

Mr. SISSON. And they are asking, then, for $50,000 more?

Mr. WARBURTON. No.

Mr. SISSON. The report shows that only $30,000 more is needed.

Mr. WARBURTON. The contract is let for $92,700. The balance of it, I presume, was taken in the purchase of the land. That is all that is available, and in order to make it fireproof and complete it, they will have to have $30,000 more, they tell me, which will make the building cost $122,000.

Mr. FITZGERALD. What excuse is given for letting a contract for a building that is inadequate for the public service?

Mr. WARBURTON. It will not be inadequate for the public service, but it will be an ordinary construction of stone and timber.

Mr. FITZGERALD. How large a place is Olympia?

Mr. WARBURTON. It is the capital of the State of Washington, and has between eight and ten thousand people.

Mr. FITZGERALD. And they are not able to construct an adequate building there for $100,000?

Mr. WARBURTON. I have been before the architects myself, and there have been three unsuccessful attempts to get bids to construct the building.

Mr. SISSON. And the population of the place is from eight to ten thousand?

Mr. WARBURTON. Yes.

Mr. SISSON. And $150,000 is wanted for a public building in a town of that size?

Mr. WARBURTON. It is the capital of the State.

Mr. SISSON. Even if it is the capital of the State, why should they get $150,000 for a public building for a place of 10,000 people?

Mr. WARBURTON. The post office evidently is not planned for anything larger than the needs of the city.

Mr. SULZER. Mr. Speaker, the gentleman from Mississippi is in error when he says the total amount required for this building is $150,000. As I understand it, the amount will be $132,000.

Mr. SISSON. That is my understanding; but the bill provides $150,000.

Mr. SULZER. Then the bill is wrong.

Mr. SISSON. There are $92,700, and that would make $132,000. I think fifty or sixty thousand dollars would be ample to construct a building in a town of that kind.

Mr. WARBURTON. The contract is already let, and the building will be constructed, but it will not be fireproof. It ought to be fireproof.

Mr. SISSON. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

Mr. SULZER. I suggest to my friend to let this bill go over until Mr. CLARK of Florida can be here. It is his bill.

The SPEAKER. The gentleman from Missouri has exercised his right to object, and the Clerk will report the next bill.

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

The next business on the Calendar for Unanimous Consent was H. J. Res. 327, requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

The bill was read.

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Reserving the right to object—I defer to my distinguished colleague on medical matters.

Mr. FOSTER. I want to call attention to this voluminous and enlightening report.

Mr. MANN. That attracted my attention, I will say to the gentleman.

Mr. FOSTER. And I want to congratulate the committee or whoever wrote this report on the information that it gives to the House, so that the Members might act intelligently on the bill. I think in view of this we ought to have possibly some information which inadvertently was left out, and that is in regard to the amount that would be expected should be appropriated and some little history of this organization that is to meet here at the time mentioned.

Mr. SULZER. Mr. Speaker, this bill was introduced by the gentleman from New York [Mr. DANIEL A. DRISCOLL] and reported without objection from the Committee on Foreign Affairs. It carries no appropriation. Mr. DRISCOLL informed the committee that no appropriation would be necessary, and that no appropriation will be asked for either now or in the future, and on that representation the committee reported the bill. The bill simply directs the President to request the Secretary of State to invite the people who are interested in school hygiene to participate in this assemblage. These assemblages regarding school hygiene have been held for a number of years in different places, and it is a very important matter, not only to the children, but to our school system, and of vital importance to the people of our country.

Mr. MANN. Will the gentleman yield for a question?

Mr. SULZER. Certainly.

Mr. MANN. Is the gentleman aware that under the provision inserted in the recent District of Columbia appropriation law if we should issue these invitations to foreign Governments to participate in this Congress they might come, but that our own Government and its officials could not participate in that Congress?

Mr. SULZER. I am not aware of it.

Mr. FOSTER. They might go and pay their own expenses.

Mr. MANN. Why, the gentleman, my colleague, just introduced a resolution to permit the officials of the Government to participate in a congress of hygiene and demography, because it was claimed by Government officials that under the recent District of Columbia appropriation law they were not authorized now to accept and participate in these expositions.

Mr. SULZER. This is an entirely different matter——

Mr. MANN. That is precisely the same question.

Mr. SULZER. This has nothing to do with the Government making an exhibition——

Mr. MANN. The gentleman is mistaken.

Mr. SULZER (continuing). This assemblage will meet and discuss things about school children and good for the schools from a sanitary and hygienic point of view. The resolution should pass.

Mr. MANN. I suppose we would not want to issue invitations to have foreign nations come to an international congress here where the United States Government was not represented, where nobody could participate in it, for the reason that the resolution in that respect does not meet the present exigency, probably because the author of it, like most others, is not familiar with this little item inserted in the District appropriation bill. I am going to object when the time comes.

Mr. DANIEL A. DRISCOLL. I would like to state the citizens of Buffalo, by public subscription, will care for the people invited to this congress.

Mr. MANN. Well, I should doubt that. I do not doubt the gentleman believes it and the citizens state it, but I have heard that statement a great many times. There is no provision in the legislation upon that subject. I believe when we invite foreign Governments to participate in an international exposition or anything of the kind held within our boundaries we ought to be courteous enough to spend a little money to be properly represented there ourselves; but under existing law we should not be represented.

Mr. DANIEL A. DRISCOLL. I would like to ask the gentleman from Illinois, providing this amendment was passed, would he object, provided that no appropriation shall be granted at any time hereafter in connection with said congress?

Mr. MANN. Well, I will say to the gentleman frankly, I am not in favor of inviting foreign Governments to an international exposition or a meeting of any kind without our Government can be represented.

Mr. DANIEL A. DRISCOLL. Would the gentleman be opposed to an appropriation to care for our representatives?

Mr. MANN. Well, probably not, but I do not desire to put myself on record for that. I never make promises in advance.

Mr. DANIEL A. DRISCOLL. I thank you.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will have to object unless the gentleman asks that it go over so as to permit them to properly prepare the resolution.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent that the joint resolution be passed for the present without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 19544.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, what is the bill?

Mr. SABATH. The Kindred bill.

Mr. RODDENBERY. The immigration bill?

Mr. SABATH. Well, it is not an immigration bill, although it comes from the Immigration Committee.

Mr. RODDENBERY. This is a bill which was objected to by Mr. BARTHOLDT, of Missouri?

Mr. SABATH. Some one objected.

Mr. RODDENBERY. To prohibit insane aliens from being received in New York, except under restrictions?

Mr. SABATH. Amending that act, yes, which prohibits the bringing in of the insane.

Mr. RODDENBERY. I am very indisposed, Mr. Speaker, to object to the gentleman's request, but inasmuch as the House declined to permit debate on it and the extension of remarks by other gentlemen on the same subject were objected to, I must object.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects.

Mr. SISSON. Mr. Speaker, I ask to insert in the RECORD the following article by J. B. Barnhill, editor of the American Anti-Socialist, of Washington, D. C.:

With his usual adroitness, Hon. VICTOR L. BERGER, the Socialist member of the House of Representatives, in his recent speech in the House on socialism carefully avoided the fundamental principles of that doctrine.

I desire to direct the attention of the public to the fact that socialism seeks to destroy three things—private enterprise, private profits, and private property—and when you destroy these three you destroy competition.

Socialism seeks to convert private enterprise into community enterprise, private profits into community profits, and private property into community property. This is the fundamental teaching of socialism, and if Mr. BERGER really believes in the doctrine of socialism why did he not in some part of his speech, which we are told he intends to circulate by the million during the coming campaign, discuss the fundamental principles upon which socialism is founded?

The universal experience of mankind is that private enterprise, private profits, and private property are the indispensable bases of an advancing civilization; but socialism condemns these three factors of progress.

On numerous other occasions Mr. BERGER has pronounced sentence of death upon the principle of competition. It appears to be an irreparable calamity that Mr. BERGER was not present at the creation, for he could probably have saved the Creator from the mistake of building the world on a competitive plan. "Competition is dead," says Dr. BERGER. Something contradicts thee—I am afraid it is nature.

Individual profit is a thing which socialism will not countenance. Yet it is the desire for profits, the hope of this reward, which awakens all private and commercial enterprise. It is certain that if you take away the hope of individual reward for individual exertion you will destroy individual exertion. In other words, profit is the mainspring of all industrial activity.

Lastly socialism attacks private property. Here it arrays against itself all the strongest and tenderest affections of the human heart. Such a plan would destroy the home, which is the unit of government. The prophet and patriot alike unite in saying that the noblest dream of man is of a time when each may sit "under his own vine and his own fig tree and none durst make him afraid."

Arthur Young was well inspired when he said: "Give a man the secure possession of a rock and he will turn it into a garden." But Young did not tell the whole truth. All experience proves that the surest way to turn a garden into a desert is to make possession insecure, to substitute community interest for private interest, community property for private property, community profits for private profits, community enterprise for private enterprise.

Socialism has over and over again taken some of the finest garden spots in the world and turned them into deserts. Ruskin Colony in Tennessee, New Australia in Paraguay, Topolobampo, and a score of other such pathetic failures will occur to every student of this subject.

But the greatest and most instructive of such failures was at New Harmony, Ind. Here Robert Owen, father of ex-Congressman Robert Dale Owen, sank a princely fortune amounting to an annual income of $200,000 in a vain effort to supplant the competitive system with the "cooperative commonwealth." Dying penniless he left a priceless legacy in the record of that great social experiment at New Harmony, which teaches us that the doctrine that you can found a society where competition does not exist is a delusion, and that the effort to realize such a society must necessarily result in failure.

Individualism makes the desert blossom as the rose. Socialism would turn every garden into a desert.

Hon. A. J. Balfour, late Prime Minister of England, recently said:

"I say that a community based upon the perfectly impossible scheme proposed by the socialists—the scheme, I mean, which substitutes, for the individual enterprise, energy and self-sacrifice, which are the very

roots of industrial prosperity, the bureaucratic arrangement of every man's life and every man's industry and every man's earnings—I say that that ideal is one which not only will bring disaster upon the existing generation, but which will absolutely ruin, as I think, the whole future of the community.

* * * * * * *

"It is upon the productive capacity, the inventiveness, the enterprise, the knowledge, the readiness to run risks, and to bear the result of risks when they go wrong; it is on this that a great community depends, and on this alone for the wealth it can use."

Mr. AKIN of New York. Mr. Speaker, I make a request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the same request.

Mr. BURLESON. And, Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] makes the same request. Is there objection?

Mr. FOSTER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] makes the same request.

Mr. SULZER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York [Mr. SULZER] makes the same request.

Mr. RAINEY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] makes the same request.

Mr. CANNON. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] makes the same request.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

Mr. HARRISON of New York. Mr. Speaker, I make the same request.

Mr. WARBURTON. I make the same request, Mr. Speaker.

Mr. EVANS. Mr. Speaker, I make the same request.

Mr. HAWLEY. Mr. Speaker, I make the same request.

Mr. PRAY. Mr. Speaker, I make the same request.

Mr. SIMMONS. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. SIMMONS] makes the same request.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California [Mr. RAKER] makes the same request.

Mr. TALCOTT of New York. And I, too, Mr. Speaker, make the same request.

The SPEAKER. The gentleman from New York [Mr. TALCOTT] makes the same request. All these gentlemen—Mr. AKIN of New York, Mr. MANN, Mr. BURLESON, Mr. FOSTER, Mr. SULZER, Mr. RAINEY, Mr. CANNON, Mr. MOORE of Pennsylvania, Mr. HARRISON of New York, Mr. WARBURTON, Mr. EVANS, Mr. HAWLEY, Mr. PRAY, Mr. SIMMONS, Mr. RAKER, and Mr. TALCOTT—ask unanimous consent to extend their remarks in the RECORD. Is there objection?

Mr. ADAMSON. I ask unanimous consent, Mr. Speaker, to let everybody speak.

Mr. MANN. After these requests are granted, I shall call for the regular order.

The SPEAKER. Is there objection to the requests?

There was no objection.

Mr. SABATH. Mr. Speaker, I renew my request for unanimous consent along with the other gentlemen.

The SPEAKER. And the gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the RECORD.

Mr. ADAMSON. Mr. Speaker, I think after this large number of gentlemen have been granted permission to extend their remarks in the RECORD that right should be extended to everybody. I think there should be universal amnesty. [Laughter.]

The SPEAKER. Does the gentleman put that request seriously?

Mr. ADAMSON. No. It is a joke, and the Speaker can so label it, if he desires. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH].

There was no objection.

The MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the next bill.

HOMESTEAD ENTRY ON FORMER FORT NIOBRARA MILITARY RESERVATION LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25764) to subject lands of Fort Niobrara Military Reservation and other lands to homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unreserved lands within the former Fort Niobrara Military Reservation, in the State of Nebraska, and the adjacent public lands on the east and south thereof withdrawn from entry by Executive order June 22, 1904, except as hereinafter expressly provided, shall be subject to homestead entry at such time and in such manner and under such rules and regulations as the Secretary of the Interior may prescribe, as follows: All that portion lying north and west of the Niobrara River, together with that part of the southeast quarter of section 22, the southwest quarter of section 23, the west half of section 26, and all of section 27, in township 34 north, range 27 west, lying south and east of the said Niobrara River, shall be appraised under the direction of the Secretary of the Interior, entered and patented under the general provisions of the homestead laws, subject to the payment of the appraised price to be made in three annual payments as prescribed by the Secretary of the Interior; and all the remaining portion of said lands lying south and east of the said Niobrara River shall be entered and patented under the provisions of the one-section homestead law for a certain part of Nebraska, approved April 28, 1904, and acts amendatory thereof: *Provided*, That lands open to entry under this act shall not be subject to disposition under section 2306 of the Revised Statutes of the United States or other form of scrip or lieu selection, nor shall homestead entries made thereof be subject to commutation.

SEC. 2. That the Secretary of the Interior shall, of such military lands, lease to the State of Nebraska for the term of 20 years, for a reasonable price, the lands it now occupies as a State agricultural experimental station, and shall cause patent to issue to the city of Valentine, upon payment of the appraised price, for such area as it may reasonably need for waterworks, water power, and electric-light plant system, and for a fish hatchery, including the lands it now occupies for such purposes, and shall issue patent to Stephen H. Gilman, upon payment of the appraised price, to not exceed 5 acres adjacent to his mill-dam, and shall cause patent to issue to Charles H. Cornell, upon payment of the appraised price, not to exceed 68 acres.

SEC. 3. That the Secretary of the Interior is hereby directed to reserve from entry under this act a tract of land, not exceeding 640 acres in area, upon which the buildings used in connection with said military reservation are located, and to sell the lands so reserved and the buildings thereon at public auction at not less than their appraised value within one year from the date of the approval of this act if the Government shall not have appropriated the same to some public purpose: *Provided*, That the disposition of the said military reservation lands shall be subject to rights, if any, acquired by Charles H. Cornell and by the city of Valentine, when a village, by any acts of Congress: *Provided further*, That all lands so opened to settlement under this act, remaining undisposed of at the expiration of three years from the date of its approval, shall be sold and disposed of under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one purchaser.

SEC. 4. That the costs of carrying out the provisions of this act, including the necessary compensation of the custodian, not exceeding $60 per month, may, in the discretion of the Secretary of the Interior, be paid from the appropriations for the expense of the survey, appraisal, and sale of abandoned military reservations.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. No; I do not object. I have an amendment to offer.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 2, line 24, by striking out the word "lease" and inserting in lieu thereof the words "issue patent."

Mr. CANNON. Mr. Speaker, I would like to ask the gentleman a question. Does this include the whole of the reservation?

Mr. ROBINSON. This provides for the disposition of the reservation.

Mr. CANNON. All of it?

Mr. ROBINSON. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 25, by striking out the words "for the term of 20 years, for a reasonable price."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 1, by inserting at the beginning of the line the word "for."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 2, after the word "station," by inserting the following: "upon payment of $1.25 an acre."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 23, by striking out at the end of the line the word "and" and inserting in lieu thereof the word "or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Nebraska [Mr. KINKAID] that there may be some doubt whether Mr. Gilman has a middle initial "H" or "F," because line 8, page 3, says "Stephen H. Gilman." Which is it?

Mr. KINKAID of Nebraska. It is "Stephen F."

Mr. MANN. Then, it should be amended on page 3, line 8, so as to make it read that way.

Mr. ROBINSON. Mr. Speaker, I move to amend by striking out "H" in line 8, page 3, and inserting "F", so that it will read "Stephen F. Gilman" instead of "Stephen H. Gilman."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The Clerk read as follows:

Strike out the initial "H" in the name "Stephen H. Gilman" and insert in lieu thereof the initial "F."

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk, to be inserted at the end of line 22, page 2.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, at the end of line 22, by inserting the following: "*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to reserve from sale or disposition any lands chiefly valuable for power purposes."

Mr. ROBINSON. Mr. Speaker, the committee considered that amendment and decided that it is unnecessary. Under the law that power now exists, and while I do not know of any objection to the amendment, it is merely reenacting existing law. That is the view that the Secretary of the Interior takes of the matter himself. On page 3 of the report is contained a communication addressed to myself, in which the Secretary used this language:

In view of the department, H. R. 25764 would not, if enacted, preclude the withdrawal by the President of the United States, under authority contained in act of Congress approved June 25, 1910 (36 Stat., 847), of such tracts as may be found to be valuable for water-power sites, but if any doubt as to the authority for such withdrawal exists the bill should be amended by adding to section 3 thereof the following—

He then suggests an amendment in the exact language offered by the gentleman from Illinois [Mr. MANN].

Chapter 421 of Statutes at Large, page 847, volume 36, reads as follows:

Be it enacted, etc., That the President may at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawal; and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

The committee did not include the amendment suggested by the gentleman from Illinois, for the reason that it is already the law.

Mr. MANN. Mr. Speaker, there may be and probably is some doubt whether the existing law would permit the Secretary to reserve water-power sites. He believes that he has that authority, but has also stated that he does not feel certain of the matter.

I doubt very much whether under the law the Secretary has that authority, because he has not as yet reserved these water-power sites, and this bill, which would become a subsequent law, expressly provides that all the unreserved lands within the former reservation shall be disposed of in the manner provided in the bill. Being subsequent legislation, it would take effect when it was passed as to all unreserved lands. I do not believe that the Secretary would have the power after the passage of this bill to make any reservations. As the gentleman from Arkansas [Mr. ROBINSON] and other gentlemen contend that the Secretary now has the power, and as some of us believe that he does not now have the power, why can anybody object to a provision being inserted in the bill making it clear that the Secretary has the power of reserving the water-power sites?

Mr. ROBINSON. Mr. Speaker, I have said that as far as I am concerned I do not object, but I do not like to pass needless legislation when I am convinced that it is unnecessary. Hereafter it may be insisted that we intended to repeal some provision of existing law with reference to the power of the President to withdraw power sites, and so forth, for the reason that we did not embrace every provision of existing law concerning withdrawals. But unless the gentleman from Nebraska [Mr. KINKAID] wishes to raise an objection, for my part I shall not object to the amendment, although I do not think the gentleman from Illinois should insist upon it for the reasons stated. I am perfectly willing that the gentleman should make his mark upon this bill if he insists upon doing so.

Mr. MANN. I have stated all the time that I should insist on the amendment.

Mr. KINKAID of Nebraska. I have never had any objection to the amendment. It is a matter for the disposition of the committee. I do not object.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. KINKAID of Nebraska, a motion to reconsider the last vote was laid on the table.

FORT ASSINIBOINE MILITARY RESERVATION, MONT.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent to recur to the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation in the State of Montana. It was passed temporarily. I am informed that the author of the bill (Mr. PRAY) has reluctantly agreed to offer some amendments which will not be objectionable to me. I do object, however, to writing a mere nominal consideration into the bill. I shall insist that there be a consideration; that the Secretary be authorized to sell upon terms that may be fixed by him. I yield to the gentleman from Montana for the purpose of offering his amendments.

Mr. PRAY. Mr. Speaker, in order that this bill may receive consideration, I have reluctantly consented to offer these amendments.

The SPEAKER. The gentleman from Arkansas asks leave to recur to Senate bill 5817. Is there objection?

Mr. MANN. Reserving the right to object, let us hear what the proposition is.

The SPEAKER. The Clerk will report the amendments.

The Clerk read the amendments, as follows:

In line 3, page 1, strike out the word "that" and insert the words "that the Secretary of the Interior be, and he is hereby, authorized to sell."

In lines 5 and 6, page 1, strike out the words "be, and the same are hereby, granted."

In line 6, page 1, after the word "Montana," insert: "at a price to be agreed upon by the Secretary of the Interior and the board of county commissioners of said county."

In line 1, page 2, after the word "after," strike out the words "the passage of this act" and insert the words "such sale has been consummated."

Mr. MANN. I suggest that the Clerk read the bill as proposed to be amended.

Mr. PRAY. I send up the bill with the proposed amendments inserted.

The SPEAKER. The gentleman from Illinois suggests that this bill be read as it will read if these amendments are agreed to.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Secretary of the Interior be and he is hereby authorized to sell the jail building and the fixtures of said building now situate on the abandoned Fort Assiniboine Military Reservation, in the State of Montana, to the county of Hill, in the State of Montana, at a price to be agreed upon by the Secretary and the board of county commissioners of said county, and said county, by its duly authorized officials, shall have the right to enter upon the said abandoned Fort Assiniboine Military Reservation at any time after such sale has been consummated and remove said buildings and such fixtures.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas to recur to this bill?

There was no objection.

Mr. ROBINSON. I move the adoption en bloc of the amendments as read by the Clerk.

The SPEAKER. You have not yet obtained unanimous consent to consider the bill. You have simply obtained consent to return to it.

Mr. ROBINSON. Very well.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROBINSON. Now I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. ROBINSON. I ask unanimous consent, Mr. Speaker, that the amendments be agreed to en bloc.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now on the abandoned Fort Assinniboine Military Reservation, in the State of Montana."

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent to return to House joint resolution 327.

Mr. MANN. That has just been objected to, and I shall withdraw my objection if the gentleman offers his amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to return to House joint resolution 327. Is there objection? [After a pause.] The Chair hears none. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There was no objection.

The Clerk read the House joint resolution, as follows:

Joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

Resolved, etc., That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25–30, 1913.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert at the end of the resolution the following:

"*Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress."

The amendment was agreed to.

The amended joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DANIEL A. DRISCOLL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SUBWAY UNDER POST OFFICE, NEW YORK CITY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in the name and on behalf of the United States of America, to grant, convey, and release unto the city of New York, in the State of New York, for such consideration, nominal or otherwise, and upon such terms, conditions, provisos, and limitations, if any, as he shall deem proper, such temporary rights and easements and such permanent and perpetual underground rights, easements, and rights of way in, under, through, and across the property of the United States situated in the Borough of Manhattan, in the city of New York, in the county and State of New York, and comprising the block bounded by Broadway, Park Row, and Mail Street, and also comprising part of Mail Street, as he shall deem necessary or proper for the construction and for the maintenance and operation in perpetuity of a two-track underground rapid-transit railroad running under, through, and across said property from Park Place to Beekman Street in said Borough of Manhattan, and also, if he shall deem proper, for the construction and for the maintenance and operation in perpetuity of a one-track spur or connection running under, through, and across said property from a point under Mail Street where a connection can be made with the existing City Hall loop of the so-called Manhattan-Bronx Rapid Transit Railroad to a point under Beekman Street where a connection can be made with the said two-track rapid-transit railroad above mentioned. The tracks of said rapid-transit railroad and of said spur or connection within the limits of said property shall be placed in subway or tunnel. The tracks of said two-track rapid-transit railroad within the limits of said property may either be placed in the same subway or tunnel or there may be a separate subway or tunnel for each track. In case the tracks shall be placed in the same subway or tunnel, such subway or tunnel may have a width of not exceeding 40 feet, outside dimensions; and in case there shall be a separate subway or tunnel for each track, such subways or tunnels shall be substantially parallel with each other and on substantially the same level, and each of said subways or tunnels may have a width of not exceeding 25 feet, outside dimensions, and such subways or tunnels may be placed not more than 20 feet distant from each other. The top of the roof of such subways or tunnels of said two-track rapid-transit railroad within the limits of said property shall be not less than 35 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended. The subway or tunnel for the said one-track spur or connection above described within the limits of said property may have a width of not exceeding 25 feet, outside dimensions, and the top of the roof thereof shall be not less than 15 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to execute and acknowledge in proper form for record within the State and county of New York, and deliver to the public service commission for the first district of the State of New York, a deed or deeds to said city of New York as authorized in this act.

SEC. 3. That this act shall take effect and be in force immediately.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I want to say that this provides that it shall take effect and be in force immediately. It should have provided immediately, if not sooner. I would like to ask the gentleman in reference to this bill whether the post-office building in New York City is occupied for any other purpose?

Mr. UNDERHILL. It is occupied by the Federal courts.

Mr. SULZER. And the United States marshal and district attorney.

Mr. MANN. Are there any offices in it except the post office, the courts, and the offices attached to the courts?

Mr. UNDERHILL. All the United States offices.

Mr. SULZER. Oh, no.

Mr. MANN. What does the gentleman mean by "all the United States offices"?

Mr. UNDERHILL. The immigration office, and so forth.

Mr. MANN. Customhouse?

Mr. UNDERHILL. No.

Mr. MANN. I wanted to find out what was there.

Mr. SULZER. I can tell the gentleman.

Mr. MANN. I did not ask the gentleman from New York, Mr. SULZER.

Mr. SULZER. I thought the gentleman from Illinois wanted information.

Mr. MANN. That is the reason I asked the other gentleman from New York.

The SPEAKER. Is there objection?

Mr. MANN. I was going to ask the gentleman whether this authority, if granted at all, ought not to be granted on the recommendation of the Postmaster General, whether or not he ought to have the power to determine in reference to the plans if the building is mainly occupied for a post office?

Mr. UNDERHILL. The bill is simply permissive, anyway, and it is placed in the hands of the Secretary of the Treasury.

Mr. MANN. The gentleman thinks it is merely permissive. Would he have any objection to making it clearly so by inserting after the word "authorized" the words "in his discretion"?

Mr. UNDERHILL. I do not think that would make any difference. I think that is fully covered in the text of the bill. It would delay its passage perhaps.

Mr. MANN. If the gentleman will agree to accept that amendment so that it will be within the discretion of the Secretary of the Treasury, I shall not object.

Mr. UNDERHILL. I will accept it.

Mr. MANN. Is that satisfactory to my friend from New York, Mr. SULZER?

Mr. SULZER. This bill was introduced in the Senate by Senator O'GORMAN for the public service commission of New York. It passed the Senate unanimously.

Mr. MANN. That does not add any weight to it.

Mr. SULZER. Just a moment. There is no objection to this bill. The Secretary of the Treasury approves of the bill. The authorities are building a great subway in New York City and it is being held up until this bill can become a law. As a matter of fact, the city of New York gave the Government the property on which the post-office building is located. It is a part of the City Hall Park. The city gave it to the Government for a post office. The Government built the post office on the property a good many years ago, and the deed to the Government provided that when the property is no longer used for a post office it shall go back to the city of New York as a part of the City Hall Park..

Another matter. It is contemplated to build a new post office ere long in New York City, and so this land will soon go back to the city of New York. All the city wants is the permission of the Government to build a subway down 100 feet below the surface of the street, and, of course, there ought to be no objection to it. The work is being delayed and contracts are be-

ing held up until the Government gives its consent. The Government is anxious to have the work proceed, and if we accept the amendment offered by the gentleman from Illinois the bill will have to go back to the Senate, and that may delay it until next year. The compensation that the city is to pay to the Federal Government is merely nominal.

Mr. MANN. This is of great value to the city of New York?

Mr. SULZER. Yes. It is the greatest engineering work that has ever been done in the city.

Mr. MANN. Have they got permission to run under anybody else's property in New York without compensation?

Mr. SULZER. Yes; unless great damage is done.

Mr. MANN. I guess not.

Mr. SULZER. Then the gentleman guesses different from the court of appeals.

Mr. MANN. Is this the only place, under this post office, where they can construct this subway?

Mr. SULZER. Yes. It is the route fixed by law.

Mr. MANN. If this is the only place where they can make the turn they had better enlarge the city. Nobody believes that story.

Mr. SULZER. This work is provided for by the legislature of the State.

Mr. MANN. That is all very true, but the gentleman can not make us believe that in New York City it is absolutely essential to go under one building, which the city does not own and does not control; that it is the only building in the city that the State itself can not control and that they made plans to that effect. If they have they had better get wiser men in charge of the plans.

Mr. SULZER. The work is being done by the city authorities and the public service commission. The legislature provided for it, and the routes are fixed by law and contract and can not now be changed.

Mr. MANN. Oh, I apprehend the routes are not all fixed by law, so that they can not be changed.

Mr. SULZER. Yes; they are.

Mr. MANN. If the gentleman has that information, I would like to see the law, and, pending that, I suggest that the gentleman ask unanimous consent to pass the bill over without prejudice, so that we may have an opportunity to look into the matter.

Mr. UNDERHILL. Mr. Speaker, I shall accept the amendment.

Mr. SULZER. The gentleman from Illinois wants to delay the greatest piece of construction work in the country.

Mr. MANN. Oh, no; the gentleman wants to prevent a holdup.

Mr. SULZER. If the gentleman wants to gratify himself by doing that, very well. I was trying to give the gentleman information about it, but the gentleman knows so much about everything in New York that no one can enlighten him.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill H. R. 18985, the pension appropriation bill, and lay the same before the House.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the conference report on the pension appropriation bill and lay it before the House. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1065).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agreed to the same with an amendment as follows: In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The amendments of the Senate, Nos. 1, 6, 7, 8, and 12, to which the House recedes from its disagreements are as follows:

Amendment No. 1 adds $12,500,000 to the appropriation. This amendment was made necessary by the enactment of the law known as the act of May 11, 1912, which became a law after the passage of the bill in the House which increased the amount paid for pensions.

Amendment No. 6 is an amendment striking out the word "hereafter" and inserting in lieu thereof "not later than January 1, 1913," at which time pensions should be paid by check instead of by the present voucher system.

Amendment No. 7 is an exception made in the matter of payment by check in cases where pensions are paid to persons other than the pensioners, and is upon the recommendation of the Secretary of the Interior.

Amendment No. 8 provides for the conduct of postmasters and post-office employees in the matter of delivering pension checks going through their hands and which are to be sent in advertised envelopes. It is practically the same provision as was contained in the bill as it was reported to the House but which was stricken out on the floor of the House on a point of order.

Amendment No. 12 is simply changing the number of a section from 6 to 5.

Amendments Nos. 2, 3, 4, 5, 9, 10, and 11, on which the conferees have been unable to agree, are amendments inserted by the Senate restoring to the bill a provision for the continuance of the 18 agencies and rent of the New York agency, as provided for in existing law.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate numbered 2 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and in lieu of the paragraph stricken out insert the following:

"For salaries of 18 agents for the payment of pensions at the rate of $4,000 per annum each during the first half of the fiscal year 1913, $36,000.

"For salary of one agent for the payment of pensions, at the rate of $4,000 per annum, for the last half of the fiscal year 1913, $2,000; and from and after the 31st day of December, 1912, there shall be only one agent for the payment of pensions, to be appointed in the manner now provided by law, and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed, to take effect from and after December 31, 1912."

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment No. 2 with an amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate No. 3, and agree to the same with an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and restore the matter stricken out, amended to read as follows:

"For clerk hire and other services at 18 pension agencies during the first half of the fiscal year 1913, and at one pension agency during the

last half of the fiscal year 1913, and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to recede and agree to the Senate amendment numbered 3 with the amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the sum named in said amendment insert $2,125.

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment numbered 4 and agree to the same with an amendment, which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I now move that the House further insist on its disagreement to amendments of the Senate numbered 5, 9, 10, and 11.

The motion was agreed to.

CONSTRUCTION OF SUBWAY, ETC., UNDER POST-OFFICE BUILDING, CITY OF NEW YORK.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to return to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post office at or near Park Place, in the city of New York—the one we have just passed over.

The SPEAKER. The gentleman from New York asks unanimous consent to recur to the bill S. 7012. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I understand the gentleman is willing to accept the amendment referred to, making it discretionary with the Secretary of the Treasury.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of this bill. Is there objection? [After a pause.] The Chair hears none. It has been reported once, and there is no use in reporting it again.

Mr. MANN. Mr. Speaker, I move to insert in line 4, after the word "authorized," the words "in his discretion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I would like to suggest to somebody that it is getting pretty late.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that the bill H. R. 25738 be permitted to remain on the calendar, to be considered the next time.

Mr. MANN. The gentleman has authority to place that on the calendar again.

Mr. RAKER. I would like for it to retain its place on the calendar. It may be arranged so it can be considered next unanimous day; therefore I would like to have it remain on the calendar, to be disposed of the next time.

Mr. MANN. I have no objection.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 25738 (No. 337 on the calendar) be passed without prejudice and that order is to take the place of the one requiring it to be stricken from the calendar. Is there objection?

Mr. COVINGTON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what peculiar merit this bill possesses that it should retain its place on the calendar in front of 40 or 50 other bills that do not happen to be reached, especially when this bill is of such serious moment that objection is raised when it came up?

Mr. RAKER. In answer to the gentleman I will say that all objection to this bill may be withdrawn. I have observed that after bills of considerable importance had been objected to, by a little talk and by a little seeing of individuals and amendments unanimous consent was had, and in five minutes the bill is passed; and it might possibly be that this bill might be in the same position. I certainly should have the opportunity to have it considered if there is no valid objection. It may not occur next time. All opposition, if any, may be withdrawn.

Mr. MANN. I do not see the gentleman had any complaint. He had one bill on the calendar objected to twice and it was stricken off——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of channel between the St. Johns River, Fla., and Cumberland Sound, by way of the Sisters Creek out of the St. Johns River, with plan and estimate of cost of improvement, with a view to straightening and deepening the channel (H. Doc. No. 898); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Bronx River, N. Y. (H. Doc. No. 897); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11877) to amend section 8 of the food and drugs act approved June 30, 1906, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported the same without amendment, accompanied by a report (No. 1140), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEWIS, from the Committee on Military Affairs, to which was referred the bill (H. R. 3769) to grant an honorable discharge to Theodore N. Gates, reported the same with amendment, accompanied by a report (No. 1125), which said bill and report were referred to the Private Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, reported the same without amendment, accompanied by a report (No. 1143), which said bill and report were referred to the Private Calendar.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Depart-

ments, submitted a report (No. 1139) on the files and papers described in the report of the Acting Secretary of Commerce and Labor in House Decument No. 667, Sixty-second Congress, second session.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26127) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 26128) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 26129) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plant, and supplies for the construction of public works; to the Committee on Irrigation of Arid Lands.

By Mr. STANLEY: A bill (H. R. 26130) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. PICKETT: A bill (H. R. 26131) requiring common carriers engaged in interstate commerce by railroad to equip locomotive engines with electric or other power light of not less than 1,500 candlepower; to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 26132) to regulate the ownership of common carriers engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 26133) appropriating $5,000 for the improvement of the ostrich industry; to the Committee on Agriculture.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution providing that the President and the Vice President shall be nominated and elected by direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. AKIN of New York: Resolution (H. Res. 664) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. STANLEY: Resolution (H. Res. 665) setting time for discussion of report of committee investigating violations of antitrust act of 1890 and other acts, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26134) granting a pension to Lent B. Gage; to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 26135) granting an increase of pension to Mary A. Hooker; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 26136) granting a pension to Hiram Hill; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 26137) granting an increase of pension to Sullivan McKibben; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 26138) granting an increase of pension to John Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26139) granting an increase of pension to Topley T. Dodge; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 26140) for the relief of John B. Worsley; to the Committee on War Claims.

By Mr. HAYDEN: A bill (H. R. 26141) to correct the military record of Joinville Reif; to the Committee on Military Affairs.

Also, a bill (H. R. 26142) granting an increase of pension to Mary E. Heydenburg; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26143) granting a pension to Elizabeth J. Mitchell; to the Committee on Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 26144) granting an increase of pension to William H. Cornell; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 26145) to remove the charge of desertion from the military record of James W. Clouse; to the Committee on Military Affairs.

By Mr. VARE: A bill (H. R. 26146) for the relief of William Force; to the Committee on Claims.

By Mr. WHITACRE: A bill (H. R. 26147) granting an increase of pension to Mahala R. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26148) granting an extension of patent to Joseph H. Mathews; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 23417, relative to change in patent law; to the Committee on Patents.

Also, petition of assistants to superintendents of construction, United States life-saving stations, favoring passage of House bills 25235 and 25236, to promote efficiency of Life-Saving Service and to create the coast guard, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Pottawatomie County, Okla., against passage of House bill 25593, relative to termination of Shawnee Training School, etc.; to the Committee on Indian Affairs.

By Mr. ASHBROOK: Evidence to accompany House bill 26117, a bill authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. AYERS: Memorials of New York Produce Exchange, favoring an extension of jurisdiction of Commerce Court, and American Association of Dairy Food & Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Inventors' Guild, favoring appointment of a commission to investigate and suggest needed changes in the patent laws; to the Committee on Patents.

By Mr. HARTMAN: Petition of the Woman's Christian Temperance Union of Van Ormer, Pa., favoring passage of bill to forbid the sale of intoxicating liquors in buildings and ships used by the United States Government; to the Committee on the Judiciary.

By Mr. KAHN: Petition of Workmen's Sick and Death Benefit Fund, Branch 102, of San Francisco, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Mercantile Co. and E. G. Lyons, of San Francisco, Cal., against passage of the Works liquor bill; to the Committee on the District of Columbia.

Also, petition of Local 410, B. M. & I. S. B., of San Francisco, Cal., favoring passage of House bill 16844, known as the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States Indian Warriors of San Francisco, Cal., favoring passage of House bill 779, for pension of officers and soldiers of Indian wars between 1870 and 1891; to the Committee on Pensions.

Also, petition of Bruce Hayden, of San Francisco, Cal., favoring revision of patent laws; to the Committee on Patents.

Also, petition of Deremer & Co. (Inc.) and Hirsh & Kaiser, of San Francisco, Cal., against passage of bill relative to change in patent laws; to the Committee on Patents.

Also, petition of Sherwood & Sherwood, of San Francisco, Cal., against passage of the Works bill relative to license in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Brotherhood of Locomotive Engineers of United States, favoring passage of workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Clayton bill, H. R. 23635; to the Committee on the Judiciary.

Also, petition of S. E. Schwartz, of San Francisco, Cal., against passage of the Root amendment to the immigration law; to the Committee on Immigration and Naturalization.

Also, petition of rector and members of St. James Church, of Richmond District, San Francisco, Cal., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

Also, petition of citizens of San Francisco, Cal., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KORBLY: Memorial of League of Library Commissions, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of New York Produce Exchange, of New York City, relative to act to amend laws relating to

the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of Regular Colored Democratic Association, of Brooklyn, N. Y., favoring passage of Senate bill No. 180 relative to celebration of fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of board of managers of the New York Produce Exchange, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American Association of Dairy, Food, and Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McCOY: Petition of Order of Railway Conductors of America, Division No. 175, against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Memorial of freight traffic committee of the Chicago Association of Commerce, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRAN: Memorial of F. D. Pastoritis Council, No. 1, and Greble Council, No, 13, Order Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, relative to displaying flag of United States on lighthouses, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Petition of Inventors' Guild of New York City, relative to changes in patent laws; to the Committee on Patents.

Also, memorial of Inventors' Guild of New York City, relative to change in patent law; to the Committee on Patents.

Also, memorial of the National Association of Talking-Machine Jobbers, Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill, relative to change in patent law; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing for use as a park for city of St. Augustine of the powder-house lot; to the Committee on Military Affairs.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of citizens of East St. Louis, Ill., favoring passage of the excise-tax bill with amendment relative to domestic building and loan associations; to the Committee on Ways and Means.

Also, petition of Herman Englebach and others, of Arenzville, Ill., against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Memorial of Regular Colored Democratic Association of Brooklyn, N. Y., favoring passage of Senate bill 180, for exposition to celebrate the fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Johnson, of New York City, favoring international conference on the cost of living; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of Inventors' Guild of New York City, favoring commission to consider change in patent laws; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill; to the Committee on Patents.

SENATE.

TUESDAY, *August 6, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Smith, Ariz.
Bacon	Cullom	Martine, N. J.	Smith, S. C.
Bailey	Cummins	Massey	Smoot
Bankhead	Gallinger	Myers	Sutherland
Borah	Gronna	Nelson	Thornton
Bourne	Johnston, Ala.	Overman	Townsend
Brandegee	Jones	Page	Warren
Bristow	Kenyon	Perkins	Works
Burnham	Kern	Reed	
Burton	Lodge	Sanders	
Catron	McCumber	Simmons	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. BOURNE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on a conference, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. On the call of the roll of the Senate, 41 Senators have answered to their names. A quorum of the Senate is not present.

Mr. WARREN I ask that the names of the absentees be called.

The PRESIDENT pro tempore. Without objection, the Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SMITH of Michigan answered to his name when called.

Mr. CLAPP and Mr. CHAMBERLAIN entered the Chamber and answered to their names.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is out of the city on important business. I will let this announcement stand for the day.

Mr. SMITH of Georgia entered the Chamber and answered to his name.

Mr. LODGE. If there is no quorum as yet, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The Chair has not yet ascertained whether there is a quorum and can not make the announcement until the Secretary reports.

Mr. BAILEY. I thought the Senator from Massachusetts desired to submit some motion.

Mr. LODGE. I did; that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. BAILEY. That requires a motion.

Mr. LODGE. I make that motion.

Mr. BAILEY. I did not understand that the Chair put the motion.

Mr. LODGE. No; the Chair has not made the formal announcement.

The PRESIDENT pro tempore. Upon the call of the roll——

Mr. POMERENE entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-six Senators only are present, including the name of the Senator just called.

Mr. LODGE. Then I move——

Mr. BAILEY. This is what comes of trying to meet at 10 o'clock, before Senators can attend to their correspondence and department work. If the Senate wants to proceed with due dispatch it will revoke the order about meeting at 10 o'clock and meet at 12 and have a night session. Then we will be able to put in 9 or 10 hours a day.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Sergeant at Arms be directed to request the presence of absent Senators. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.